

# EXHIBIT 3

# **Video Deposition of Corey Daugherty**

June 21, 2023

Hendrix v. CRC Insurance Services, Inc., et  
al.

2:21-CV-0300-MHH



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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CASE NUMBER: 2:21-CV-0300-MHH</p> <p>6</p> <p>7 KATHRYN HENDRIX,</p> <p>8 Plaintiff,</p> <p>9 vs.</p> <p>10 CRC INSURANCE SERVICES, INC., TRUIST FINANCIAL</p> <p>11 CORP, and TRUIST BANK,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15 VIDEO DEPOSITION TESTIMONY OF:</p> <p>16 COREY DAUGHERTY</p> <p>17</p> <p>18</p> <p>19 JUNE 21, 2023</p> <p>20 9:32 A.M.</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 3</p> <p>1 of the trial, or at the time said deposition is</p> <p>2 offered in evidence, or prior thereto.</p> <p>3 IT IS FURTHER STIPULATED AND AGREED</p> <p>4 that notice of filing of the deposition by the</p> <p>5 Commissioner is waived.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the deposition of COREY DAUGHERTY</p> <p>5 may be taken before Tanya D. Cornelius, RPR,</p> <p>6 CSR, and Notary Public, at the offices of</p> <p>7 Barrett &amp; Farahany, 2 20th Street North, Suite</p> <p>8 900, Birmingham, Alabama, on the 21st day of</p> <p>9 June, 2023, commencing at approximately 9:32</p> <p>10 a.m.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the signature to and the reading of the</p> <p>13 deposition by the witness is NOT waived, the</p> <p>14 deposition to have the same force and effect as</p> <p>15 if full compliance had been had with all laws</p> <p>16 and rules of Court relating to the taking of</p> <p>17 depositions.</p> <p>18 IT IS FURTHER STIPULATED AND AGREED</p> <p>19 that it shall not be necessary for any</p> <p>20 objections to be made by counsel to any</p> <p>21 questions, except as to form or leading</p> <p>22 questions, and that counsel for the parties may</p> <p>23 make objections and assign grounds at the time</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NUMBER</p> <p>3 MS. GILL 9</p> <p>4</p> <p>5</p> <p>6 *****</p> <p>7</p> <p>8 EXHIBIT INDEX</p> <p>9 PLAINTIFF'S EXHIBIT NO: PAGE NUMBER</p> <p>10 1 Notice of Deposition 10</p> <p>11 2 Dashboard 62</p> <p>12 3 Answers to Interrogatories 71</p> <p>13 4 E-mail 79</p> <p>14 5 E-mail 80</p> <p>15 6 Form 97</p> <p>16 7 Learning History 106</p> <p>17 8 Application 129</p> <p>18 9 Notes 140</p> <p>19 10 Employment Agreement 146</p> <p>20 11 Marketing Document 147</p> <p>21 12 Document 149</p> <p>22 13 Photo 169</p> <p>23 14 Document 173</p>

<p>Page 5</p> <p>1 EXHIBITS (Continuing)</p> <p>2</p> <p>3 15 E-mail 179</p> <p>4 16 E-mail 182</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Page 7</p> <p>1 I, Tanya D. Cornelius, RPR, CSR, and</p> <p>2 Notary Public, acting as Commissioner, certify</p> <p>3 that on this date, as provided by the Federal</p> <p>4 Rules of Civil Procedure, and the foregoing</p> <p>5 stipulation of counsel, there came before me at</p> <p>6 the offices of Barrett &amp; Farahany, 2 20th Street</p> <p>7 North, Suite 900, Birmingham, Alabama 35203,</p> <p>8 beginning at 9:32 a.m., COREY DAUGHERTY, witness</p> <p>9 in the above cause, for oral examination,</p> <p>10 whereupon the following proceedings were had:</p> <p>11</p> <p>12</p> <p>13 VIDEOGRAPHER: We are going on the</p> <p>14 record. The date is June 21st, 2023. The time</p> <p>15 on the monitor is 9:32 a.m. Central Standard. My</p> <p>16 name is Taylor Holland, and our court reporter is</p> <p>17 Ms. Tanya Cornelius. We're here on behalf of</p> <p>18 Cite Court Reporting out of Montgomery, Alabama.</p> <p>19 This is the video deposition of Mr.</p> <p>20 Corey Daugherty, who is the corporate</p> <p>21 representative of CRC Insurance Services,</p> <p>22 Incorporated, which was noticed by Leslie Palmer</p> <p>23 for the case Hendrix V CRC Insurance Services,</p>
<p>Page 6</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 PALMER LAW, LLC</p> <p>5 BY: Leslie A. Palmer, Esq.</p> <p>6 104 23rd Street South, Suite 100</p> <p>7 Birmingham, Alabama 35233</p> <p>8</p> <p>9 PATRICIA A. GILL, P.C.</p> <p>10 BY: Patricia A. Gill, Esq.</p> <p>11 P.O. Box 55204</p> <p>12 Birmingham, Alabama 35255</p> <p>13</p> <p>14 FOR THE DEFENDANTS:</p> <p>15 BAKER, DONELSON, BEARMAN, CALDWELL</p> <p>16 &amp; BERKOWITZ, P.C.</p> <p>17 BY: Rachel Barlotta, Esq.</p> <p>18 Kayla M. Wunderlich, Esq.</p> <p>19 420 North 20th Street, Suite 1400</p> <p>20 Birmingham, Alabama 35203</p> <p>21</p> <p>22 ALSO PRESENT: Kathryn Hendrix</p> <p>23 Taylor Holland, Videographer</p>	<p>Page 8</p> <p>1 Incorporated, et al. It's filed in the U.S.</p> <p>2 District Court for the Northern District of</p> <p>3 Alabama, Southern Division, Case Number</p> <p>4 2:21-CV-0300-MHH.</p> <p>5 Counsel, please identify yourselves</p> <p>6 for the record, and we'll start with the</p> <p>7 plaintiffs.</p> <p>8 MS. PALMER: Leslie Palmer for</p> <p>9 plaintiff Kathryn Hendrix.</p> <p>10 MS. GILL: Patricia Gill for</p> <p>11 plaintiff Kathryn Hendrix.</p> <p>12 MS. BARLOTTA: Rachel Barlotta for</p> <p>13 CRC Insurance, Truist Financial, and Truist Bank.</p> <p>14 MS. WUNDERLICH: Kayla Wunderlich for</p> <p>15 CRC, Truist Bank, and Truist Financial.</p> <p>16 VIDEOGRAPHER: Thank you. Will our</p> <p>17 reporter please administer the oath to the</p> <p>18 witness?</p> <p>19</p> <p>20 COREY DAUGHERTY,</p> <p>21 being first duly sworn, was examined</p> <p>22 and testified as follows:</p> <p>23</p>

<p style="text-align: right;">Page 9</p> <p>1 THE REPORTER: Will this be usual 2 stipulations? 3 MS. BARLOTTA: We're going to read 4 and sign. 5 MS. GILL: Everybody ready? 6 THE WITNESS: Yep. 7 8 EXAMINATION 9 BY MS. GILL: 10 Q. All right. If you could please state 11 your name for the record. 12 <b>A. Corey Edward Daugherty.</b> 13 Q. Mr. Daugherty, my name is Patricia 14 Gill, and I represent CRC in a lawsuit that 15 Kathryn Hendrix has filed against them. Have you 16 ever given a deposition before? 17 <b>A. I have.</b> 18 Q. Okay. As you know, because you've 19 done this before, if you can say yes or no out 20 loud for the court reporter so that she can 21 record it. This one is a little different, 22 because we are videoing it, but if you could do 23 that for her, that way we can read the transcript</p>	<p style="text-align: right;">Page 11</p> <p>1 <b>A. I have not.</b> 2 Q. Okay. Do you understand that you're 3 here in the capacity of a 30(b)(6) corporate 4 representative for CRC? 5 <b>A. Yes.</b> 6 Q. And you understand that your answers 7 are binding on the company? 8 <b>A. Yes.</b> 9 Q. I'm just going to kind of go through 10 this notice if you want to flip through it. I 11 have some questions to ask about each of these 12 topics that are listed in the notice. 13 <b>A. Okay.</b> 14 Q. Well, first, what is your position at 15 CRC? 16 <b>A. Professional liability broker, senior</b> 17 <b>vice-president.</b> 18 Q. And what does CRC do? 19 <b>A. We are a commercial insurance</b> 20 <b>wholesale brokerage firm.</b> 21 Q. How long have you been at CRC? 22 <b>A. I started April 1st, 1996.</b> 23 Q. Okay. And my understanding is you're</p>
<p style="text-align: right;">Page 10</p> <p>1 later; is that fair? 2 <b>A. Yes. No.</b> 3 Q. And if you don't understand any of my 4 questions, I would just ask that you let me know 5 you don't understand, and I'll gladly rephrase 6 it; is that fair? 7 <b>A. Yes.</b> 8 Q. And if you don't ask me to rephrase 9 it, I'm going to assume that you understand my 10 question; is that fair? 11 <b>A. Yes.</b> 12 Q. Are you on any drugs or medication 13 that would alter your ability to answer my 14 questions today? 15 <b>A. No.</b> 16 Q. Okay. Mr. Daugherty, I'm going to 17 show you what I've marked as Plaintiff's Exhibit 18 Number 1. 19 (Whereupon, Plaintiff's <b>Exhibit No. 1</b> 20 was marked for identification and a copy of same 21 is attached hereto.) 22 Q. It's a copy of the deposition notice. 23 Have you seen a copy of that?</p>	<p style="text-align: right;">Page 12</p> <p>1 a broker now? 2 <b>A. Correct.</b> 3 Q. Okay. How long have you been a 4 broker? 5 <b>A. I started July of 2000 after</b> 6 <b>graduating UAB as a broker in training and was on</b> 7 <b>a team that was led by Betsy Barnett at the time.</b> 8 <b>I was on her team in the training capacity for</b> 9 <b>approximately, I would say, five, six years, then</b> 10 <b>in 2008 rolled off of her team and started my own</b> 11 <b>team.</b> 12 Q. And a lot of the questions today I 13 think are going to be of the structure of the 14 company. So I guess is broker the highest level 15 of position that you can get outside of 16 executives? 17 <b>A. Correct, yes.</b> 18 Q. I guess let's just start from the top 19 and go down, like the top would be the president 20 or CEO? 21 <b>A. Yes.</b> 22 Q. Who is that? 23 <b>A. David Obenauer.</b></p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. And is he president or CEO or 2 both?</p> <p>3 <b>A. Both. I believe he wears both titles</b> 4 <b>now.</b></p> <p>5 Q. And who is below David?</p> <p>6 <b>A. Our office -- well, Brent Tredway is</b> 7 <b>who our office reports into.</b></p> <p>8 Q. And what is his position?</p> <p>9 <b>A. I don't know Brent's exact title, but</b> 10 <b>he's out of our Houston office.</b></p> <p>11 Q. You don't know if he's a 12 vice-president or anything like that?</p> <p>13 <b>A. He's -- president of wholesale</b> 14 <b>operations would be --</b></p> <p>15 Q. And you said your office reports to 16 him?</p> <p>17 <b>A. Uh-huh (positive response).</b></p> <p>18 MS. BARLOTTA: Is that a yes?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Who is below -- the next in line 21 below him?</p> <p>22 <b>A. John Cadden.</b></p> <p>23 Q. And what is his position?</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. Below John Cadden, who is 2 that?</p> <p>3 <b>A. Each department has an individual</b> 4 <b>within their department that manages the</b> 5 <b>respective departments in the CRC Birmingham</b> 6 <b>office, which would be property, casualty, and</b> 7 <b>professional liability.</b></p> <p>8 Q. Property, casualty, and then 9 professional liability?</p> <p>10 <b>A. Professional liability.</b></p> <p>11 Q. Are those the only two departments in 12 Birmingham?</p> <p>13 <b>A. Three. Property and casualty are</b> 14 <b>their own separate.</b></p> <p>15 Q. Okay. And so each of those 16 departments has a manager?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Who is the manager for the 19 professional liability?</p> <p>20 <b>A. Rusty Hughes.</b></p> <p>21 Q. And who is the manager for property?</p> <p>22 <b>A. Paul Martin.</b></p> <p>23 Q. And the manager for casualty?</p>
<p style="text-align: right;">Page 14</p> <p>1 <b>A. He's office president, CRC</b> 2 <b>Birmingham.</b></p> <p>3 Q. Okay. And would it be fair to say -- 4 how many offices do y'all have?</p> <p>5 <b>A. I don't know.</b></p> <p>6 Q. I mean, are there offices more than 7 just the Birmingham and Houston office?</p> <p>8 <b>A. Oh, yes.</b></p> <p>9 Q. And so would it be fair to say the 10 other offices in other cities would have a 11 structure similar to the Birmingham office?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Okay. And that they would report to 14 David -- I missed his last name.</p> <p>15 <b>A. Obenauer.</b></p> <p>16 Q. Obenauer as well?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Or Brett Tredway, I guess, would be 19 -- it's David, then Brett, and then each 20 individual city's office?</p> <p>21 <b>A. Office.</b></p> <p>22 Q. Is that correct?</p> <p>23 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 16</p> <p>1 <b>A. Peter Curtin.</b></p> <p>2 Q. Are you familiar with the plaintiff 3 in this case, Kathryn Hendrix?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And I think she sometimes goes by 6 Kat?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Did she ever work in the property or 9 casualty departments?</p> <p>10 <b>A. Not that I'm aware of.</b></p> <p>11 Q. And did Kat Hendrix work in the 12 professional liability department?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Who is below the manager, Rusty 15 Hughes?</p> <p>16 <b>A. Each individual broker team lead.</b></p> <p>17 Q. I think you mentioned you trained 18 with Betsy Barnett. Did she have her own team?</p> <p>19 <b>A. She's retired.</b></p> <p>20 Q. At the time that Kathryn Hendrix was 21 there, did she have a team?</p> <p>22 <b>A. No. She had already retired.</b></p> <p>23 Q. I guess, name each team.</p>

<p style="text-align: right;">Page 17</p> <p>1 <b>A. My team, of course. Rusty Hughes has</b>  2 <b>a team. He and Tyler O'Connor run that team.</b>  3 <b>James Powell and Alex Gould, G-o-u-l-d. Trey</b>  4 <b>Reich, T-r-e-y R-e-i-c-h, Lee McClure,</b>  5 <b>M-c-c-l-u-r-e.</b>  6 Q. Okay.  7 <b>A. And then Scott Trigg is head of our</b>  8 <b>underwriting programs.</b>  9 Q. So Scott Trigg has his own team, but  10 they're not brokers --  11 <b>A. Correct.</b>  12 Q. -- they're underwriting?  13 <b>A. Yes.</b>  14 Q. So if I count correctly, you have  15 seven broker teams and then the one underwriting  16 team?  17 <b>A. Yes.</b>  18 Q. Are each of the teams comprised of  19 the same number of brokers and subordinates or  20 are they different?  21 <b>A. Each is different.</b>  22 Q. Is the leader of each team the only  23 actual broker on the team?</p>	<p style="text-align: right;">Page 19</p> <p>1 broker teams?  2 <b>A. Yeah.</b>  3 Q. And then one underwriting team. You  4 don't think that Truitt had an inside broker?  5 <b>A. Not at that time of hire.</b>  6 Q. Did all the teams have associate  7 brokers?  8 <b>A. Let me think. 2014. I don't know at</b>  9 <b>that time what Corey Woodward's title would have</b>  10 <b>been or how long Corey Woodward had been with us,</b>  11 <b>but he's on Trey Reich's team. But all the other</b>  12 <b>teams would have had an associate broker or</b>  13 <b>another broker on the team at that time.</b>  14 Q. And I guess let's talk about that.  15 What are the different types of brokers that you  16 can have?  17 <b>A. Inside broker.</b>  18 Q. Okay.  19 <b>A. There's a title associate broker,</b>  20 <b>which we view that as another broker on a team,</b>  21 <b>and then, of course, the lead broker.</b>  22 Q. So associate broker is the same thing  23 as a broker?</p>
<p style="text-align: right;">Page 18</p> <p>1 <b>A. No.</b>  2 Q. So some teams might have two brokers?  3 <b>A. Yes.</b>  4 Q. And does each team have inside  5 brokers?  6 <b>A. No.</b>  7 Q. Which teams do not have inside  8 brokers?  9 MS. BARLOTTA: Are you talking about  10 currently?  11 MS. GILL: I'm talking about when Kat  12 Hendrix was there.  13 <b>A. Oh, when Kat Hendrix was there. Let</b>  14 <b>me think back. Rusty Hughes did not have an</b>  15 <b>inside broker at that time. I do not recall.</b>  16 <b>James Powell did not have an inside broker at</b>  17 <b>that time. Truitt Taylor, I do not believe, had</b>  18 <b>an inside broker when she was hired. And Truitt</b>  19 <b>Taylor is another team lead. Sorry.</b>  20 Q. Okay. I was looking through my list.  21 I didn't see that name.  22 <b>A. Yeah.</b>  23 Q. So that is actually eight different</p>	<p style="text-align: right;">Page 20</p> <p>1 <b>A. Yeah. They're just another broker on</b>  2 <b>the team that's responsible for their production.</b>  3 Q. So there's really no difference in  4 job duties between associate broker and broker?  5 MS. BARLOTTA: Object to form.  6 <b>A. Some in terms of leadership and</b>  7 <b>management of the team and responsibility.</b>  8 Q. Excluding leadership and management  9 of the team, are the day-to-day duties of the  10 broker the same as an associate broker?  11 <b>A. Yes.</b>  12 Q. And the associate broker is revenue  13 producing?  14 <b>A. Yes.</b>  15 Q. Okay. Tell me what is the difference  16 between those two positions and an inside broker.  17 <b>A. An inside broker works on the team in</b>  18 <b>the capacity of supporting a team from a growth</b>  19 <b>perspective, primarily the responsibility of</b>  20 <b>helping to market existing business and place new</b>  21 <b>business from existing retail relationships.</b>  22 <b>Significantly less travel commitment.</b>  23 Q. I guess the emphasis is on the word</p>

<p style="text-align: right;">Page 21</p> <p>1 "inside" as it relates to that?</p> <p>2 <b>A. Correct, yes.</b></p> <p>3 Q. It's work that you already -- that</p> <p>4 already exists and owns. They just maintain it</p> <p>5 and keep it going, I guess?</p> <p>6 <b>A. Yes. And inside also referring to</b></p> <p>7 <b>the fact that there's less of a travel</b></p> <p>8 <b>expectation or commitment or responsibility.</b></p> <p>9 Q. Is an inside broker revenue</p> <p>10 producing?</p> <p>11 <b>A. Not directly in terms of new</b></p> <p>12 <b>business. An inside broker is responsible for</b></p> <p>13 <b>maintaining and generating revenue-existing</b></p> <p>14 <b>business.</b></p> <p>15 Q. Now, I've also seen some information</p> <p>16 produced, I can't remember where, about an</p> <p>17 account executive. What is that position?</p> <p>18 <b>A. An account executive is a</b></p> <p>19 <b>service-based role. Account executives support</b></p> <p>20 <b>the team in the capacity of marketing some</b></p> <p>21 <b>business at the direction of the broker, sending</b></p> <p>22 <b>out submissions with cover letters that have</b></p> <p>23 <b>typically been prepared by the broker, issuing</b></p>	<p style="text-align: right;">Page 23</p> <p>1 <b>A. Yes. They do them every day.</b></p> <p>2 Q. And I believe you just said that the</p> <p>3 account executive also markets at the direction</p> <p>4 of the broker?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. What do you mean by market?</p> <p>7 <b>A. When we get -- so us being a</b></p> <p>8 <b>wholesaler, so when we get a submission from one</b></p> <p>9 <b>of our retail clients, that submission comes to</b></p> <p>10 <b>us.</b></p> <p>11 Typically, the way that it works is</p> <p>12 the broker looks at it, reviews the submission</p> <p>13 documents, application, loss runs, the industry</p> <p>14 that we're dealing with, the product line that</p> <p>15 we're dealing with.</p> <p>16 We will then put together what we</p> <p>17 refer to as a cover letter, which will have</p> <p>18 account name, it will have the account website,</p> <p>19 it will have exposure, which could vary. If</p> <p>20 we're dealing with, you know, a general business,</p> <p>21 revenue is going to be the exposure. If we're</p> <p>22 dealing with an employment practices liability</p> <p>23 placement, employee counts is going to be the</p>
<p style="text-align: right;">Page 22</p> <p>1 quotes, issuing binders, sending out requests to</p> <p>2 bind, invoices, issuing endorsements, reviewing</p> <p>3 policies in some capacity for accuracy, and then</p> <p>4 just general service needs of our retail clients.</p> <p>5 When somebody needs a change to a</p> <p>6 policy or has a question about an invoice or</p> <p>7 accounting function, typically the account</p> <p>8 executive role is the person that handles that.</p> <p>9 Q. So would you characterize the account</p> <p>10 executive as being more administrative or</p> <p>11 secretarial?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 <b>A. Administrative, not secretarial.</b></p> <p>14 <b>Administrative, but, I mean, they do things that</b></p> <p>15 <b>are extremely important in providing the customer</b></p> <p>16 <b>experience and making sure that our client</b></p> <p>17 <b>service needs are met efficiently and</b></p> <p>18 <b>effectively.</b></p> <p>19 Q. Are any of those duties that you just</p> <p>20 listed, like issuing quotes for binders,</p> <p>21 invoices, any of those things that you listed,</p> <p>22 are brokers, associate brokers, or inside brokers</p> <p>23 required to do those tasks?</p>	<p style="text-align: right;">Page 24</p> <p>1 exposure basis.</p> <p>2 We will reference on that cover</p> <p>3 letter the current coverage, who they're with</p> <p>4 right now on the insurance company side, their</p> <p>5 loss history, attachments, identify what we're</p> <p>6 looking for.</p> <p>7 We will typically send that out to a</p> <p>8 market, and then I or the broker will follow that</p> <p>9 up to someone on the team and say, We also need</p> <p>10 to send this to X, Y, Z markets. It could be as</p> <p>11 few as two or three markets or it could be as</p> <p>12 many as twenty-five or thirty different markets.</p> <p>13 Q. So would you characterize that as</p> <p>14 they're reaching out to potential new clients to</p> <p>15 drum up business?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Okay.</p> <p>18 <b>A. They're not reaching out to the</b></p> <p>19 <b>client in that capacity. They're reaching out to</b></p> <p>20 <b>the insurance company. The client is who sends</b></p> <p>21 <b>us the business. We then send that out to the</b></p> <p>22 <b>insurance company.</b></p> <p>23 So in that phase of the transaction,</p>



<p style="text-align: right;">Page 25</p> <p>1 <b>we got the account from our client. It could be</b>  2 <b>a renewal. It could be a piece of new business</b>  3 <b>from an existing client or it could be a piece of</b>  4 <b>new business from a brand new client we've never</b>  5 <b>worked with before.</b>  6 Q. Who is your client? What is their  7 position?  8 <b>A. Retail insurance agency.</b>  9 Q. Okay. So like if you go to your  10 local State Farm Insurance office, they could  11 potentially be your client?  12 <b>A. They would not. State Farm is a</b>  13 <b>personal lines carrier. We're commercial</b>  14 <b>insurance.</b>  15 Q. Commercial insurance?  16 <b>A. Yes.</b>  17 Q. Okay. And I was just using State  18 Farm as an example. They're the first company  19 that came to my mind, but okay.  20 <b>A. Right. It happens often.</b>  21 Q. Okay. But something like that, like  22 an agency?  23 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 27</p> <p>1 Q. At the time that Kathryn Hendrix was  2 there.  3 <b>A. At the time she was there was myself,</b>  4 <b>Clay, Kathryn, Yvette, Andrea, and then Tiffany</b>  5 <b>joined in January of 2018.</b>  6 Q. All right. Let's go through each one  7 of those. Clay, what is Clay's last name?  8 <b>A. Segrest.</b>  9 Q. And what was his position?  10 <b>A. Broker.</b>  11 Q. He was a broker?  12 <b>A. Yes.</b>  13 Q. Was he a broker at the time that  14 Kathryn Hendrix was there?  15 <b>A. Yes.</b>  16 Q. Okay. And then you mentioned Yvette?  17 <b>A. Uh-huh (positive response).</b>  18 Q. What was Yvette's last name?  19 <b>A. Talsma, T-a-l-s-m-a.</b>  20 Q. And what was her position?  21 <b>A. Account executive.</b>  22 Q. And then what was -- you mentioned  23 Tiffany?</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. I mean an insurance company that has  2 different agencies with agents in their offices,  3 those agents would be your clients?  4 <b>A. Yes.</b>  5 Q. Okay. I just want to make sure I  6 understand correctly.  7 Okay. What about a broker assistant?  8 <b>A. Broker assistant, we've got one on</b>  9 <b>our team now. A broker assistant is someone who</b>  10 <b>does not have any responsibility for quoting,</b>  11 <b>binding, marketing, reviewing coverage.</b>  12 <b>The role that I have on my team now,</b>  13 <b>the broker assistant handles all renewal</b>  14 <b>solicitations for our clients and --</b>  15 Q. That's what they do now?  16 <b>A. And tax documents.</b>  17 Q. Did they do that before -- when  18 Kathryn Hendrix was there?  19 <b>A. We didn't have a broker assistant on</b>  20 <b>the team at that time.</b>  21 Q. Are there any other members of the  22 team that I have missed?  23 <b>A. Currently or at the time?</b></p>	<p style="text-align: right;">Page 28</p> <p>1 <b>A. Yes, Sanders.</b>  2 Q. And what was her position?  3 <b>A. Account executive.</b>  4 Q. Andrea?  5 <b>A. Andrea Sutton, S-u-t-t-o-n.</b>  6 Q. Okay.  7 <b>A. Account executive.</b>  8 Q. Okay. And then, of course, Kathryn  9 Hendrix?  10 <b>A. Yes.</b>  11 Q. What was her position?  12 <b>A. She was hired as an account</b>  13 <b>executive.</b>  14 Q. Did she receive any promotions from  15 account executive?  16 <b>A. She did.</b>  17 Q. What promotion did she receive?  18 <b>A. Inside broker.</b>  19 Q. And do you remember when she received  20 that promotion?  21 <b>A. It was end of summer or early fall of</b>  22 <b>2017, I believe.</b>  23 Q. And why did Kathryn Hendrix get the</p>

<p style="text-align: right;">Page 29</p> <p>1 promotion?</p> <p>2 <b>A. It was something that she had shown</b></p> <p>3 <b>interest in. We had talked about it, about her</b></p> <p>4 <b>wanting to get out of the account executive role.</b></p> <p>5 <b>We felt like she was capable, so we promoted her.</b></p> <p>6 Q. Okay. When was Clay Segrest hired as</p> <p>7 broker?</p> <p>8 <b>A. He was hired in 2008 as a broker in</b></p> <p>9 <b>training.</b></p> <p>10 Q. 2008?</p> <p>11 <b>A. Uh-huh (positive response) -- excuse</b></p> <p>12 <b>me. 2009. 2009.</b></p> <p>13 Q. Okay. And when did he become an</p> <p>14 actual broker?</p> <p>15 <b>A. I don't know the answer to that</b></p> <p>16 <b>question to be exact. He was hired as a broker</b></p> <p>17 <b>in training, which at that time was kind of a</b></p> <p>18 <b>mentoring program that CRC had.</b></p> <p>19 <b>It was how I was hired. I was hired</b></p> <p>20 <b>as a broker in training with Betsy Barnett. I</b></p> <p>21 <b>was in that capacity with her for five to six</b></p> <p>22 <b>years.</b></p> <p>23 Q. So he also trained with Betsy</p>	<p style="text-align: right;">Page 31</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Okay. Did Kathryn Hendrix receive a</p> <p>3 raise when she got the inside broker position?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Do you remember what her income was</p> <p>6 before her promotion and after her promotion?</p> <p>7 <b>A. I believe her base salary was sixty</b></p> <p>8 <b>thousand pre and sixty-five thousand post, if I</b></p> <p>9 <b>remember correctly.</b></p> <p>10 Q. My understanding is that employees at</p> <p>11 CRC receive different bonuses. Are you familiar</p> <p>12 with that?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. What is the -- how are bonuses</p> <p>15 calculated?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. There is a formula that every broker</b></p> <p>18 <b>team abides by in terms of revenue and bonus pool</b></p> <p>19 <b>available to any particular team.</b></p> <p>20 Q. So there's a specific formula to</p> <p>21 calculate the bonus?</p> <p>22 <b>A. Yes, for the broker.</b></p> <p>23 Q. Does -- I know there's eight broker</p>
<p style="text-align: right;">Page 30</p> <p>1 Barnett?</p> <p>2 <b>A. Yeah. He was on Betsy's team with me</b></p> <p>3 <b>as well.</b></p> <p>4 Q. Did you offer the broker in training</p> <p>5 position to Kathryn Hendrix?</p> <p>6 MS. BARLOTTA: Object to the form.</p> <p>7 <b>A. No.</b></p> <p>8 Q. Not you personally but CRC?</p> <p>9 <b>A. No.</b></p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 Q. Why not?</p> <p>12 <b>A. That was not the position that we</b></p> <p>13 <b>were needing at that time. Our position</b></p> <p>14 <b>requisition was for an account executive. We</b></p> <p>15 <b>made the offer. She accepted it.</b></p> <p>16 Q. And when Kathryn expressed an</p> <p>17 interest in becoming -- getting out of the</p> <p>18 account executive role and becoming a broker, did</p> <p>19 y'all offer her broker in training at that point?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. We did not.</b></p> <p>22 Q. And so at that point is when you put</p> <p>23 her in the inside broker position?</p>	<p style="text-align: right;">Page 32</p> <p>1 teams. Do each of those eight teams use the same</p> <p>2 formula?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Who -- do you know who created that</p> <p>6 formula?</p> <p>7 <b>A. I do not.</b></p> <p>8 Q. Okay. And do you know if -- is there</p> <p>9 any discretion whatsoever in calculating bonuses?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Not from the corporate level to the</b></p> <p>12 <b>individual broker team there is not.</b></p> <p>13 Q. Okay. Explain that to me. Not from</p> <p>14 the corporate level to the individual broker</p> <p>15 team?</p> <p>16 <b>A. There are -- I don't know the exact</b></p> <p>17 <b>number, but there are a couple hundred probably</b></p> <p>18 <b>at minimum broker teams throughout the country.</b></p> <p>19 <b>CRC has offices in probably thirty-five, maybe</b></p> <p>20 <b>forty -- thirty-five states, thirty, thirty-five</b></p> <p>21 <b>states, thousands of employees.</b></p> <p>22 <b>Twice a year we are compensated.</b></p> <p>23 <b>Brokers are given the bonus calculation</b></p>

<p>Page 33</p> <p>1 <b>worksheets. Those are already calculated by</b>  2 <b>corporate. They are sent to the broker team.</b>  3 <b>And on that worksheet it will have revenue that</b>  4 <b>that team has produced, then it will have the</b>  5 <b>various numbers that go into the formula.</b>  6 <b>It will have a two percent amount</b>  7 <b>that's provided by CRC for bonuses, and then</b>  8 <b>there will be a total aggregated amount that's</b>  9 <b>available to the broker.</b>  10 Q. Okay. So if I'm understanding you  11 correctly, the bonus -- each broker team gets a  12 specific bonus based on that formula?  13 <b>A. Based on that formula --</b>  14 MS. BARLOTTA: Object to form.  15 <b>A. -- and based on that team's specific</b>  16 <b>revenue that they have produced over that period</b>  17 <b>of time.</b>  18 Q. Okay. So based on what you produce,  19 but that's plugged into the formula?  20 <b>A. Yes.</b>  21 Q. And that determines what your team  22 makes?  23 <b>A. What you as the individual broker</b></p>	<p>Page 35</p> <p>1 Q. So it is entirely in that broker's  2 discretion who gets what on his team?  3 MS. BARLOTTA: Object to form.  4 <b>A. Yes.</b>  5 Q. Do you -- once you make that decision  6 of the bonuses of the individuals on your team,  7 do you report that to the higher-ups like Rusty  8 or Mr. Cadden?  9 <b>A. Yes.</b>  10 Q. And do they have any veto power?  11 <b>A. Not -- I've never seen it if they do.</b>  12 Q. You've never seen it or they don't?  13 <b>A. I've never seen it.</b>  14 Q. Okay. Is it possible they do, but  15 they haven't utilized it?  16 MS. BARLOTTA: Object to form.  17 <b>A. I don't know.</b>  18 Q. Specifically as it relates to your  19 team, how did you determine who got what bonuses?  20 <b>A. There's several things that go into</b>  21 <b>it. Tenure with the company, tenure with the</b>  22 <b>team.</b>  23 Q. Okay.</p>
<p>Page 34</p> <p>1 <b>makes.</b>  2 Q. Okay. How are the bonuses  3 distributed between the individuals on your team?  4 <b>A. It's the broker's discretion.</b>  5 Q. Okay. Are there any checks and  6 balances to the decisions made by the broker?  7 MS. BARLOTTA: Object to form.  8 <b>A. I think that varies by team. It's</b>  9 <b>not something that is company wide. It's</b>  10 <b>something that each individual team probably</b>  11 <b>looks at differently depending on their</b>  12 <b>structure.</b>  13 Q. And I think you may have answered my  14 question. What you're saying is each broker  15 divvies it up differently within their team and  16 adds up to that team?  17 <b>A. Yes.</b>  18 Q. Is there anything that checks how  19 that broker is divvying it up?  20 MS. BARLOTTA: Object to form.  21 Q. Any rules or procedures?  22 MS. BARLOTTA: Object to form.  23 <b>A. Not that I'm aware of.</b></p>	<p>Page 36</p> <p>1 <b>A. Relationships that are being handled,</b>  2 <b>accounts that are being handled, the volume of</b>  3 <b>premium, experience, knowledge, and whether that</b>  4 <b>individual is responsible for any level of</b>  5 <b>individual production.</b>  6 <b>What I mean by that is production</b>  7 <b>outside of any relationships that I may bring to</b>  8 <b>the table over the years. Someone that is</b>  9 <b>traveling and going out and developing brand-new</b>  10 <b>relationships, bringing business into the firm</b>  11 <b>that I don't touch, that I don't see, that I have</b>  12 <b>no dealings with.</b>  13 Q. So would it be fair to say that that  14 factor cannot apply -- like an inside broker will  15 never meet that factor, because they're working  16 on inside business?  17 <b>A. Yeah.</b>  18 Q. Is there ever a situation where an  19 inside broker can go outside and create new  20 relationships?  21 <b>A. If they wanted -- yeah, if they</b>  22 <b>wanted to move into a broker role.</b>  23 Q. Were inside brokers ever prevented</p>

<p style="text-align: right;">Page 37</p> <p>1 from traveling and creating new business?</p> <p>2 <b>A. No, not that I'm aware of.</b></p> <p>3 Q. Were there ever situations where</p> <p>4 inside brokers were being given so much account</p> <p>5 executive duties that they were unable to travel?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 <b>A. No, not that I'm aware of. I would</b></p> <p>8 <b>add to that that in that capacity of an inside</b></p> <p>9 <b>broker, as an associate broker, as a broker in</b></p> <p>10 <b>general, when I'm traveling and I'm on the road,</b></p> <p>11 <b>there are tasks that I do, that any broker in our</b></p> <p>12 <b>firm does, that I would absolutely say are</b></p> <p>13 <b>administrative.</b></p> <p>14 <b>I'm constantly requesting loss funds</b></p> <p>15 <b>that are requested from our clients. I'm</b></p> <p>16 <b>constantly sending requests for changes to a</b></p> <p>17 <b>policy to an insurance company because their</b></p> <p>18 <b>retailer calls me or sends me an e-mail and asks</b></p> <p>19 <b>me to do that.</b></p> <p>20 Q. I guess what my question is: If an</p> <p>21 inside broker is assigned so many executive</p> <p>22 assistant duties that there's no additional time</p> <p>23 to travel and create new business, has that ever</p>	<p style="text-align: right;">Page 39</p> <p>1 <b>our direction forward.</b></p> <p>2 Q. When did you make that change?</p> <p>3 <b>A. I never made the change. Kathryn was</b></p> <p>4 <b>our inside broker, and she resigned.</b></p> <p>5 Q. Who was hired to replace her?</p> <p>6 <b>A. No one.</b></p> <p>7 Q. Was anybody new hired to your team</p> <p>8 after her?</p> <p>9 <b>A. We have hired three new people since</b></p> <p>10 <b>Kathryn's departure.</b></p> <p>11 Q. Who are the three people that you</p> <p>12 hired since she left?</p> <p>13 <b>A. Lauren Green.</b></p> <p>14 Q. Okay.</p> <p>15 <b>A. Steele Cadden, and Amy Ritenour,</b></p> <p>16 <b>R-i-t-e-n-o-u-r.</b></p> <p>17 Q. And what were they hired -- what</p> <p>18 position was Lauren Green hired in?</p> <p>19 <b>A. Broker assistant.</b></p> <p>20 Q. Steele Cadden?</p> <p>21 <b>A. Steele Cadden, S-t-e-e-l-e.</b></p> <p>22 Q. Sorry.</p> <p>23 <b>A. Account executive.</b></p>
<p style="text-align: right;">Page 38</p> <p>1 happened?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. Not that I'm aware of.</b></p> <p>4 Q. So my understanding is since Ms.</p> <p>5 Hendrix has been gone, there has been a change in</p> <p>6 the structure of the teams, and there's no longer</p> <p>7 an associate broker or inside broker. Is that</p> <p>8 the case?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. Are you talking about my team in</b></p> <p>11 <b>particular or are you talking about teams in</b></p> <p>12 <b>general?</b></p> <p>13 Q. I was talking about teams in general,</p> <p>14 but we'll start with your team first.</p> <p>15 <b>A. I don't have an inside broker</b></p> <p>16 <b>currently.</b></p> <p>17 Q. Do you have an associate broker?</p> <p>18 <b>A. No.</b></p> <p>19 Q. And why did you make those changes?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. It was just a decision that we</b></p> <p>22 <b>decided to make in our day-to-day operations, and</b></p> <p>23 <b>we felt it was the best decision at the time for</b></p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Okay. And then Amy Ritenour?</p> <p>2 <b>A. Account executive.</b></p> <p>3 Q. So you're the broker on your team.</p> <p>4 Are there any other brokers on your team?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Who are the brokers now?</p> <p>7 <b>A. Clay Segrest.</b></p> <p>8 Q. Okay. And yourself?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Is there anyone else on your team?</p> <p>11 <b>A. No, not broker.</b></p> <p>12 Q. Okay. Is there anyone else on your</p> <p>13 team right now that we haven't -- Lauren, Steele,</p> <p>14 Amy, Clay, and yourself?</p> <p>15 <b>A. Andrea and Yvette and Tiffany.</b></p> <p>16 Q. Okay. They're still there?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And are they all still in the account</p> <p>19 executive position?</p> <p>20 <b>A. They are, yes.</b></p> <p>21 Q. Do Steele Cadden, Amy Ritenour,</p> <p>22 Andrea, Yvette, and Tiffany, do any of them</p> <p>23 create new business?</p>

<p style="text-align: right;">Page 41</p> <p>1 <b>A. Not currently, no.</b></p> <p>2 Q. When you say not currently, did they</p> <p>3 in the past?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Okay. And what about Lauren Green?</p> <p>6 Does she create new business?</p> <p>7 <b>A. She does not.</b></p> <p>8 Q. Okay. I'm going to shift some gears</p> <p>9 and talk about some other stuff. I kind of got</p> <p>10 off on a structure tangent. Let's go through</p> <p>11 this list here.</p> <p>12 <b>A. Okay.</b></p> <p>13 Q. What is the e-mail program used by</p> <p>14 the defendant from 2017 to 2020?</p> <p>15 <b>A. Outlook.</b></p> <p>16 Q. Do you know what level of plan y'all</p> <p>17 utilize?</p> <p>18 <b>A. I do not.</b></p> <p>19 Q. I know that they have three different</p> <p>20 -- for example, they have an E1, an E3, or E5.</p> <p>21 Are you familiar with any of those plans?</p> <p>22 <b>A. I am not.</b></p> <p>23 Q. Do you use any other programs for</p>	<p style="text-align: right;">Page 43</p> <p>1 like that?</p> <p>2 <b>A. No.</b></p> <p>3 Q. So you primarily used e-mail?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Did you have like e-mail groups?</p> <p>6 <b>A. Yes. There's several within the</b></p> <p>7 <b>firm.</b></p> <p>8 Q. Like I know, for example, like my</p> <p>9 firm has an e-mail list that goes out to all</p> <p>10 attorneys or it goes out to just the associates</p> <p>11 or just the support staff. Do y'all have things</p> <p>12 like that?</p> <p>13 <b>A. We had, and we still do have</b></p> <p>14 <b>Birmingham Professional e-mail group or list, I</b></p> <p>15 <b>guess you would refer to it as. And then Bham</b></p> <p>16 <b>Professional Brokers, I think, is how it's</b></p> <p>17 <b>referred to.</b></p> <p>18 Q. Who all is included on the Bham</p> <p>19 Professional Brokers list?</p> <p>20 <b>A. I would not be able to tell you.</b></p> <p>21 Q. I mean, what positions? Is it</p> <p>22 broker, associate brokers, and inside brokers?</p> <p>23 <b>A. It should be, but that's not</b></p>
<p style="text-align: right;">Page 42</p> <p>1 listservs?</p> <p>2 <b>A. What do you mean by listserv?</b></p> <p>3 Q. Like when you -- I guess I'm thinking</p> <p>4 of like Teams or what is it? I can't think of</p> <p>5 any all of the sudden off the top of my head.</p> <p>6 Like -- okay. Like do you have any organizations</p> <p>7 created within the e-mails to chat and talk to</p> <p>8 each other?</p> <p>9 <b>A. There's no chat function that I'm</b></p> <p>10 <b>aware of in Outlook.</b></p> <p>11 Q. Okay.</p> <p>12 <b>A. That we utilize.</b></p> <p>13 Q. Do y'all utilize Teams?</p> <p>14 <b>A. We do now.</b></p> <p>15 Q. Okay.</p> <p>16 <b>A. As of recently during the pandemic.</b></p> <p>17 Q. So would that have been after my</p> <p>18 client left?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. What did y'all use to communicate</p> <p>21 with each other prior to that?</p> <p>22 <b>A. E-mail.</b></p> <p>23 Q. You don't have any Slack or anything</p>	<p style="text-align: right;">Page 44</p> <p>1 <b>something that we in the department amend,</b></p> <p>2 <b>change, have anything to do with. Those are</b></p> <p>3 <b>default groups that are set up in our Outlook</b></p> <p>4 <b>network.</b></p> <p>5 Q. Who creates them?</p> <p>6 <b>A. I do not know.</b></p> <p>7 Q. You don't amend them or change them</p> <p>8 or -- each individual, like you as a broker, you</p> <p>9 don't go and change or amend those groups?</p> <p>10 <b>A. I do not.</b></p> <p>11 Q. What if somebody is left off a group</p> <p>12 that should be on it? How do you correct that?</p> <p>13 <b>A. I do not know the answer to that.</b></p> <p>14 Q. Has that ever happened?</p> <p>15 <b>A. Not that I'm aware of.</b></p> <p>16 Q. On the Birmingham Professional</p> <p>17 e-mail, who all is included on that?</p> <p>18 <b>A. I would not be able to confirm that</b></p> <p>19 <b>with any specificity. It should be all staff</b></p> <p>20 <b>within our professional liability department.</b></p> <p>21 Q. I guess that's why it's called</p> <p>22 professional, that's the professional liability</p> <p>23 department?</p>

<p style="text-align: right;">Page 45</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. So that should include brokers'</p> <p>3 assistants, account executives, inside brokers,</p> <p>4 associate brokers, and brokers?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. Are there any other lists or</p> <p>7 groups that you're aware of?</p> <p>8 <b>A. Not that I'm aware of.</b></p> <p>9 Q. How does an employee when they get</p> <p>10 hired get added to that list?</p> <p>11 <b>A. I do not know the answer to that</b></p> <p>12 <b>question.</b></p> <p>13 Q. Are you familiar with Workday?</p> <p>14 <b>A. I am.</b></p> <p>15 Q. And what is Workday?</p> <p>16 <b>A. It's a program that was introduced to</b></p> <p>17 <b>us through BB&amp;T and Truist, and it's where</b></p> <p>18 <b>functions -- it's where staff log time. It's</b></p> <p>19 <b>where each teams' structure, teammates, benefit</b></p> <p>20 <b>information, compensation information is all</b></p> <p>21 <b>held.</b></p> <p>22 Q. So would you characterize it as like</p> <p>23 a human resources program?</p>	<p style="text-align: right;">Page 47</p> <p>1 <b>where teammates can go and pull pay stubs, look</b></p> <p>2 <b>at pay stubs. Like I said, log time.</b></p> <p>3 Q. Okay.</p> <p>4 <b>A. Any notification that we get as far</b></p> <p>5 <b>as reviews, all is stored within Workday.</b></p> <p>6 Q. So I guess does the Workday program</p> <p>7 generate like charts to show you productivity and</p> <p>8 what people are producing and things like that?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Okay. I think you said log time. So</p> <p>11 that's why I was wondering. I don't know. And</p> <p>12 so it doesn't store revenues of those people?</p> <p>13 <b>A. No.</b></p> <p>14 Q. What would -- would an associate</p> <p>15 broker or inside broker be required to input</p> <p>16 information in there?</p> <p>17 <b>A. Any information about their</b></p> <p>18 <b>employment, yes, but I can't think of anything</b></p> <p>19 <b>else.</b></p> <p>20 Q. So you can go in -- or if I worked</p> <p>21 for you, I could go in and modify my profile or</p> <p>22 whatever on Workday?</p> <p>23 <b>A. I don't know that there's even a --</b></p>
<p style="text-align: right;">Page 46</p> <p>1 <b>A. I don't know that I would</b></p> <p>2 <b>characterize it as a human resources program. I</b></p> <p>3 <b>think it's probably a tool that our human</b></p> <p>4 <b>resources department uses.</b></p> <p>5 Q. Okay. And it's just to store</p> <p>6 different information about each employee and</p> <p>7 about each of their accounts or clients?</p> <p>8 <b>A. Not clients. There's no client</b></p> <p>9 <b>information in Workday.</b></p> <p>10 Q. Okay. And did you have Workday</p> <p>11 between 2017 and 2019?</p> <p>12 <b>A. We did.</b></p> <p>13 Q. And did each individual person in</p> <p>14 each practice group, is what I'm -- your team --</p> <p>15 <b>A. Uh-huh (positive response).</b></p> <p>16 Q. -- did they input information into</p> <p>17 Workday?</p> <p>18 <b>A. They did.</b></p> <p>19 Q. And what kind of information would</p> <p>20 you put in Workday as a broker?</p> <p>21 <b>A. It would be really just team</b></p> <p>22 <b>specific. It would be individuals on your team.</b></p> <p>23 <b>It would be base salary, compensation. It's</b></p>	<p style="text-align: right;">Page 48</p> <p>1 <b>there's not really a profile in there to amend.</b></p> <p>2 <b>When we hire somebody, they're automatically put</b></p> <p>3 <b>into Workday. When we hire someone, we have to</b></p> <p>4 <b>go in and complete a task in Workday.</b></p> <p>5 <b>When we terminate someone, we have to</b></p> <p>6 <b>go in and complete a termination form in Workday.</b></p> <p>7 <b>But it's really just --</b></p> <p>8 Q. Any kind of change in employment</p> <p>9 information?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. A promotion, a raise?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. A bonus is -- is that all included in</p> <p>14 there?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Is things like time off and leave</p> <p>17 information contained on Workday as well?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And can you upload -- like say if</p> <p>20 somebody goes on FMLA and they have a doctor's</p> <p>21 excuse, would you upload that on Workday, or</p> <p>22 where is that stored?</p> <p>23 <b>A. That, I wouldn't know.</b></p>



<p style="text-align: right;">Page 49</p> <p>1 Q. You as the lead -- as the broker of</p> <p>2 your team, would you have access to everybody</p> <p>3 else's information on Workday?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And would the lower subordinates have</p> <p>6 access to other people's information on Workday?</p> <p>7 <b>A. No.</b></p> <p>8 Q. If you wanted to pull up your own pay</p> <p>9 stubs, do you have like a dashboard or something</p> <p>10 to pull up and click on and it will list your pay</p> <p>11 stubs?</p> <p>12 <b>A. Within Workday, yes.</b></p> <p>13 Q. Okay. And that's true of every</p> <p>14 employee there?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Is there a way as a manager that you</p> <p>17 could go in and say, This is everybody on my</p> <p>18 team, and these are their pay stubs?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. I don't know that I could see their</b></p> <p>21 <b>pay stubs, but I know with certainty that I could</b></p> <p>22 <b>go and see their compensation.</b></p> <p>23 Q. Okay.</p>	<p style="text-align: right;">Page 51</p> <p>1 <b>A. HR.</b></p> <p>2 Q. Okay. Can you modify and change</p> <p>3 that?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Has CRC produced Kathryn Hendrix's</p> <p>6 entire Workday file?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. I don't know.</b></p> <p>9 Q. Is the Workday file considered a</p> <p>10 personnel file?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 <b>A. I don't know.</b></p> <p>13 Q. What system was used to track and</p> <p>14 input sales goals and revenue streams at CRC?</p> <p>15 <b>A. We have a dashboard.</b></p> <p>16 Q. Okay. What is the -- what is the</p> <p>17 dashboard called? Is it just called dashboard?</p> <p>18 <b>A. Dashboard, yeah.</b></p> <p>19 Q. Do you know what program it is?</p> <p>20 <b>A. It's on our intranet. It's like an</b></p> <p>21 <b>internal.</b></p> <p>22 Q. Intranet?</p> <p>23 <b>A. Yeah, it's like an internal intranet</b></p>
<p style="text-align: right;">Page 50</p> <p>1 <b>A. Their base salary comp.</b></p> <p>2 Q. Would it just generate a report?</p> <p>3 <b>A. You just click their name, and it</b></p> <p>4 <b>shows -- or you click my team, and it shows every</b></p> <p>5 <b>individual person, and you can click their name,</b></p> <p>6 <b>and it shows their salary comp.</b></p> <p>7 Q. Other than storing employee</p> <p>8 information or change of employment information,</p> <p>9 do you use Workday for any other purposes?</p> <p>10 <b>A. No.</b></p> <p>11 Q. Is there any kind of messaging or</p> <p>12 chat information on Workday?</p> <p>13 <b>A. No.</b></p> <p>14 Q. To get onto Workday, do you login</p> <p>15 from your desktop?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Where does that data that you input</p> <p>18 into Workday come from?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. What do you mean by data, what data?</b></p> <p>21 Q. For instance, you're trying to input</p> <p>22 salary information of somebody, does that come</p> <p>23 from just your knowledge of it or --</p>	<p style="text-align: right;">Page 52</p> <p>1 <b>site that was created by corporate.</b></p> <p>2 Q. I was going to say that's something</p> <p>3 that was created specific to the company?</p> <p>4 <b>A. CRC, proprietary.</b></p> <p>5 Q. Do you know what AIM is?</p> <p>6 <b>A. Agency information management. It's</b></p> <p>7 <b>another proprietary product that we use. It's</b></p> <p>8 <b>been around for years. Back to the transaction,</b></p> <p>9 <b>when an account comes in, that account is what we</b></p> <p>10 <b>refer to as cleared, which is the same as</b></p> <p>11 <b>entering it into our system. We enter it into</b></p> <p>12 <b>AIM.</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. And AIM was initially a tool that was</b></p> <p>15 <b>used to document files. It had a tab that you</b></p> <p>16 <b>could document conversation notes. You could</b></p> <p>17 <b>attach e-mails to it. We issued quotes out of</b></p> <p>18 <b>it. We issued request to binds out of it. We</b></p> <p>19 <b>issued binders out of it. We still do those</b></p> <p>20 <b>things. We issue policies out of it, but it's</b></p> <p>21 <b>just an account management system.</b></p> <p>22 Q. So it's just kind of like a -- okay,</p> <p>23 exactly, account management system?</p>

<p>Page 53</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. So things are generated, like say you</p> <p>3 want to get a quote and you input all the</p> <p>4 information on that account, it will generate a</p> <p>5 quote for you?</p> <p>6 <b>A. No.</b></p> <p>7 Q. So it's not that advanced?</p> <p>8 <b>A. No. So when we were talking earlier</b></p> <p>9 <b>about when a submission comes in, we put the</b></p> <p>10 <b>cover letter together, we send that out to five</b></p> <p>11 <b>to twenty-five, thirty insurance companies. When</b></p> <p>12 <b>that quote comes back to us, to the firm --</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. -- someone on a team will look at</b></p> <p>15 <b>that quote, if this is a quote, they would look</b></p> <p>16 <b>at this quote, and they would type the</b></p> <p>17 <b>information from that quote basically into a</b></p> <p>18 <b>quote document that CRC used at the time.</b></p> <p>19 Q. So would it have -- for example, say</p> <p>20 you write new business. Would it have like the</p> <p>21 date that business was generated? Like new</p> <p>22 client information? It's mostly client</p> <p>23 information?</p>	<p>Page 55</p> <p>1 I need to increase sales here or whatever?</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. Whatever you're checking on?</p> <p>4 <b>A. Yeah.</b></p> <p>5 Q. Okay. Does any information from AIM</p> <p>6 go onto the dashboard?</p> <p>7 <b>A. I don't know the answer to that.</b></p> <p>8 Q. Okay. Do all positions have a</p> <p>9 dashboard?</p> <p>10 <b>A. All teams have a dashboard.</b></p> <p>11 Q. Okay. So I guess my question is:</p> <p>12 Would an account executive have a dashboard?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Would an inside broker have a</p> <p>15 dashboard?</p> <p>16 <b>A. They have a subset of the dashboard</b></p> <p>17 <b>that shows --</b></p> <p>18 Q. I think that's where you get their</p> <p>19 wage statements and things like that?</p> <p>20 <b>A. No, that would just be -- wage</b></p> <p>21 <b>statements would come from Workday.</b></p> <p>22 Q. Oh. Sorry. I'm getting confused.</p> <p>23 <b>A. Dashboard is the revenue.</b></p>
<p>Page 54</p> <p>1 <b>A. It's client information, yes. But</b></p> <p>2 <b>client information from the standpoint of it is</b></p> <p>3 <b>the insured policyholder's information. Our</b></p> <p>4 <b>client, again, is the retail insurance broker.</b></p> <p>5 <b>So it will have our client's</b></p> <p>6 <b>information in there and show that we received</b></p> <p>7 <b>that account from X, Y, Z insurance agency, but</b></p> <p>8 <b>the information that's contained in there is</b></p> <p>9 <b>specific to an insured policyholder that we've</b></p> <p>10 <b>placed their coverage for.</b></p> <p>11 Q. So the AIM would have all the private</p> <p>12 information about the clients, and then the</p> <p>13 intranet is more like this is the employee, and</p> <p>14 this is the revenue that they've brought in, and</p> <p>15 this is --</p> <p>16 <b>A. Yes.</b></p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. AIM has nothing to do with revenue.</b></p> <p>19 <b>It doesn't show any dashboards or anything like</b></p> <p>20 <b>that as far as individual teams.</b></p> <p>21 Q. So if I'm working on your team and I</p> <p>22 want to track my progress, I would go to the</p> <p>23 intranet and look at the dashboard and say, Okay,</p>	<p>Page 56</p> <p>1 Q. Okay. And the same with associate</p> <p>2 broker, they would be able to have a subset?</p> <p>3 <b>A. Uh-huh (positive response).</b></p> <p>4 Q. Within? I guess are you saying like</p> <p>5 a tab or something that they would click on?</p> <p>6 <b>A. It would just show their name.</b></p> <p>7 Q. Okay. But -- so can anybody on the</p> <p>8 team look at the team intranet dashboard?</p> <p>9 <b>A. No.</b></p> <p>10 Q. So if you're an inside broker or an</p> <p>11 associate broker and you want to look at the</p> <p>12 dashboard to track your own progress, you</p> <p>13 couldn't go onto the team dashboard. How would</p> <p>14 you get to your own?</p> <p>15 <b>A. You can.</b></p> <p>16 Q. Oh, okay. But you can't see the</p> <p>17 other people's?</p> <p>18 <b>A. But you can't see other teams. It</b></p> <p>19 <b>would just be your specific team.</b></p> <p>20 Q. Okay. And there's not a subset for</p> <p>21 account executives or broker assistants?</p> <p>22 <b>A. No.</b></p> <p>23 Q. So did Kathryn Hendrix have her own</p>



<p style="text-align: right;">Page 57</p> <p>1 subset on your team on the dashboard?</p> <p>2 <b>A. She should have. We had intranet at</b></p> <p>3 <b>the time. Dashboard was there.</b></p> <p>4 Q. Do you know whether CRC has produced</p> <p>5 her dashboard at this time?</p> <p>6 <b>A. I do not.</b></p> <p>7 Q. Can you -- to look up an employee's</p> <p>8 dashboard, is it as simple as clicking on their</p> <p>9 subset within the team dashboard?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. But --</p> <p>13 <b>A. Actually, when I go to the dashboard</b></p> <p>14 <b>site, it automatically pulls up our team's</b></p> <p>15 <b>information.</b></p> <p>16 Q. Because you're the broker?</p> <p>17 <b>A. Uh-huh (positive response).</b></p> <p>18 Q. So -- but you don't have access to</p> <p>19 other team's information?</p> <p>20 <b>A. Not detailed information. So our</b></p> <p>21 <b>dashboard is set up, and we're a sales</b></p> <p>22 <b>organization, so we're set up as -- if I open up</b></p> <p>23 <b>the dashboard on any given day, it pulls up our</b></p>	<p style="text-align: right;">Page 59</p> <p>1 <b>I'm going to see the total aggregated revenue for</b></p> <p>2 <b>that team for all two hundred plus teams, and</b></p> <p>3 <b>we'll be able to see where you as an individual</b></p> <p>4 <b>team rank amongst the firm.</b></p> <p>5 Q. So you could have pulled up the other</p> <p>6 eight teams and see what their revenue was?</p> <p>7 <b>A. Yeah.</b></p> <p>8 Q. In the Birmingham Professional</p> <p>9 liability?</p> <p>10 <b>A. But I can't see -- but you're not</b></p> <p>11 <b>able to see -- I'm not going to be able to go to</b></p> <p>12 <b>James Powell's dashboard and see where his</b></p> <p>13 <b>business is coming from, where -- how many</b></p> <p>14 <b>submissions they have, how much, you know, fee</b></p> <p>15 <b>income they've generated. It would just show an</b></p> <p>16 <b>aggregated total revenue number.</b></p> <p>17 Q. I would assume somebody above you</p> <p>18 would have access to all the teams.</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 Q. Who would that be?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. Yeah, I mean, we're a sales</b></p> <p>23 <b>organization, and we've got leadership that looks</b></p>
<p style="text-align: right;">Page 58</p> <p>1 <b>team's individual production. That dashboard</b></p> <p>2 <b>shows how many submissions we've gotten in. It</b></p> <p>3 <b>shows what our fee income is. It shows what our</b></p> <p>4 <b>number of bound policies are. It shows the</b></p> <p>5 <b>amount of total revenue, new revenue. It shows</b></p> <p>6 <b>where you are in comparison to budget.</b></p> <p>7 <b>You can look at it by month. You can</b></p> <p>8 <b>look at it by year to date. You can go back and</b></p> <p>9 <b>look -- I think our system now goes back to 2018.</b></p> <p>10 <b>That's as far back as it goes -- excuse me --</b></p> <p>11 <b>2019 maybe, because 2018 is not there.</b></p> <p>12 <b>And you can see -- if you've got</b></p> <p>13 <b>multiple brokers on your team, you can see what</b></p> <p>14 <b>revenue that individual broker among the team is</b></p> <p>15 <b>handling.</b></p> <p>16 <b>We cannot see that same type of</b></p> <p>17 <b>information for other teams, but we do have it</b></p> <p>18 <b>set up to where there is a broker ranking. I</b></p> <p>19 <b>mean, we're a sales organization, so I could</b></p> <p>20 <b>click on broker ranking and see what the total</b></p> <p>21 <b>revenue produced is for every single broker team</b></p> <p>22 <b>in the country.</b></p> <p>23 <b>So if we've got two hundred teams,</b></p>	<p style="text-align: right;">Page 60</p> <p>1 <b>at revenue and looks at growth and production</b></p> <p>2 <b>trends. And so within the Birmingham office,</b></p> <p>3 <b>Rusty is able to look at, John Cadden would be</b></p> <p>4 <b>able to look at, and it would go up the tower.</b></p> <p>5 Q. And you said 2018 is no longer there?</p> <p>6 <b>A. Well, we --</b></p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. We used to be -- we had an intranet</b></p> <p>9 <b>site that was called Connect, and then they</b></p> <p>10 <b>updated our systems a few years ago, and now it's</b></p> <p>11 <b>called Dashboard. I don't -- I don't know how</b></p> <p>12 <b>the data was archived or what came over or what</b></p> <p>13 <b>didn't come over.</b></p> <p>14 Q. Anything before 2019, if you needed</p> <p>15 to access it, how would you do that?</p> <p>16 <b>A. I do not know the answer to that.</b></p> <p>17 Q. But anything from 2019 forward would</p> <p>18 be as simple as pulling up your team --</p> <p>19 <b>A. Dashboard.</b></p> <p>20 Q. -- and just printing it off?</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. Do you have a document retention</p> <p>23 policy?</p>

<p>Page 61</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. Yeah, we do.</b></p> <p>3 Q. How long are you required to retain</p> <p>4 documents?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. I don't know the answer to that.</b></p> <p>7 MS. GILL: We've been going about an</p> <p>8 hour. Do you want to take a break?</p> <p>9 MS. BARLOTTA: Sure.</p> <p>10 THE WITNESS: Sure.</p> <p>11 VIDEOGRAPHER: All right. We'll go</p> <p>12 off the record at 10:33 a.m.</p> <p>13 (Whereupon, a brief recess was</p> <p>14 taken.)</p> <p>15 VIDEOGRAPHER: We are back on the</p> <p>16 record at 10:47 a.m.</p> <p>17 Q. (BY MS. GILL:) Before we went on</p> <p>18 break we were talking about the dashboard, and I</p> <p>19 believe you said it mentioned your team and, you</p> <p>20 know, their stats, like the revenue and things</p> <p>21 like that.</p> <p>22 <b>A. Uh-huh (positive response).</b></p> <p>23 Q. So your board had Kathryn Hendrix on</p>	<p>Page 63</p> <p>1 Q. On this document it says Connect</p> <p>2 dashboard. You said previously you had Connect.</p> <p>3 Is that --</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. So is it different today?</p> <p>6 <b>A. It's still Connect today.</b></p> <p>7 Q. Okay. Is the dashboard considered in</p> <p>8 the bonuses?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. The dashboard isn't.</b></p> <p>11 Q. Okay.</p> <p>12 <b>A. Revenue is.</b></p> <p>13 Q. Okay. And I guess in the first page</p> <p>14 of this exhibit at the bottom, it's got your</p> <p>15 name, and it looks like two million two hundred</p> <p>16 twenty-four nineteen. Is that your revenue?</p> <p>17 <b>A. That is.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. I'm not sure what period of time this</b></p> <p>20 <b>represents. There's no month or date.</b></p> <p>21 Q. I think I'm just using it as an</p> <p>22 example.</p> <p>23 <b>A. Okay.</b></p>
<p>Page 62</p> <p>1 it?</p> <p>2 <b>A. It should have.</b></p> <p>3 Q. Okay. Do you remember whether or not</p> <p>4 she was on it?</p> <p>5 <b>A. I do not.</b></p> <p>6 Q. Okay. And I can't remember, would it</p> <p>7 also have the account executives as well on</p> <p>8 there?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Okay. Do you know whether you've</p> <p>11 produced your dashboard in this case?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 <b>A. I do not.</b></p> <p>14 Q. I'm just going to show you what I'm</p> <p>15 marking as Plaintiff's <b>Exhibit Number 2.</b></p> <p>16 (Whereupon, Plaintiff's <b>Exhibit No. 2</b></p> <p>17 was marked for identification and a copy of same</p> <p>18 is attached hereto.)</p> <p>19 Q. Have you seen these documents before?</p> <p>20 <b>A. Not this particular document.</b></p> <p>21 Q. Okay. Is this an example of what</p> <p>22 you're talking about with dashboard?</p> <p>23 <b>A. It is.</b></p>	<p>Page 64</p> <p>1 Q. Yeah. If you look at the third page</p> <p>2 of this exhibit, it says -- there's a tab that</p> <p>3 says Broker Ranking. Do you see that?</p> <p>4 <b>A. Uh-huh (positive response).</b></p> <p>5 Q. Is that just your team or is that</p> <p>6 each individual broker listed?</p> <p>7 <b>A. That's each individual broker listed.</b></p> <p>8 Q. Do you see whether Kathryn Hendrix is</p> <p>9 on here?</p> <p>10 <b>A. She is not.</b></p> <p>11 Q. How do you know it's each individual</p> <p>12 broker?</p> <p>13 <b>A. Because each individual broker is</b></p> <p>14 <b>listed on this list.</b></p> <p>15 Q. Okay.</p> <p>16 <b>A. So, for instance, casualty New York</b></p> <p>17 <b>is a casualty New York team. Jason Lewis has his</b></p> <p>18 <b>own separate team out of our Denver office. This</b></p> <p>19 <b>is each individual broker team.</b></p> <p>20 Q. Gotcha. And so Clay Segrest should</p> <p>21 be on here and Kathryn Hendrix if you're talking</p> <p>22 about your team?</p> <p>23 MS. BARLOTTA: Object to the form.</p>

<p style="text-align: right;">Page 65</p> <p>1 <b>A. No, they would not.</b></p> <p>2 Q. Okay.</p> <p>3 <b>A. Not on this particular screenshot of</b></p> <p>4 <b>this document.</b></p> <p>5 Q. Is there a tab where you can find</p> <p>6 those?</p> <p>7 <b>A. The way that this document works is</b></p> <p>8 <b>if we were at a computer, you could click -- I</b></p> <p>9 <b>would be able to click on my name. I couldn't</b></p> <p>10 <b>click on anyone else's name on this list, but I</b></p> <p>11 <b>would be able to click on my name, and then it</b></p> <p>12 <b>would pull up on the screen what I mentioned to</b></p> <p>13 <b>you earlier, submission count, policy count, new</b></p> <p>14 <b>business revenue, total revenue, numbers compared</b></p> <p>15 <b>to budget.</b></p> <p>16 Q. Can you flip to the next page and see</p> <p>17 is this what you're referring to?</p> <p>18 <b>A. Yeah.</b></p> <p>19 Q. Okay. Does it list each of the</p> <p>20 individuals in the group?</p> <p>21 <b>A. It doesn't list them all. It lists</b></p> <p>22 <b>Clay, Kathryn, and Yvette.</b></p> <p>23 Q. Is Yvette a broker?</p>	<p style="text-align: right;">Page 67</p> <p>1 <b>AIM, which you asked me about earlier --</b></p> <p>2 Q. Okay.</p> <p>3 <b>A. -- and with a name, you've got --</b></p> <p>4 <b>whatever team member on any specific team is</b></p> <p>5 <b>entering in that submission, they would put the</b></p> <p>6 <b>team name, which in this case it would be Team</b></p> <p>7 <b>Daugherty or Team Lewis, whatever broker you're</b></p> <p>8 <b>referring to.</b></p> <p>9 <b>There's a marketing rep spot that</b></p> <p>10 <b>shows the marketing rep, and then there's an</b></p> <p>11 <b>account exec spot. It happens all the time where</b></p> <p>12 <b>if somebody is clearing a piece of business and</b></p> <p>13 <b>they mistakenly put Yvette Talsma, for instance,</b></p> <p>14 <b>somehow Yvette Talsma's name probably got dropped</b></p> <p>15 <b>into that marketing rep tab, and that is the way</b></p> <p>16 <b>the program is set up to where whatever account</b></p> <p>17 <b>is shown -- whatever account shows someone as a</b></p> <p>18 <b>marketing rep, their name would show up on this</b></p> <p>19 <b>document, so --</b></p> <p>20 Q. So would you say that Kathryn</p> <p>21 Hendrix's stats on this document are input by</p> <p>22 Kathryn?</p> <p>23 MS. BARLOTTA: Object to form.</p>
<p style="text-align: right;">Page 66</p> <p>1 <b>A. She is not.</b></p> <p>2 Q. Okay. Okay. In this, it lists Clay</p> <p>3 Segrest as an inside broker?</p> <p>4 <b>A. That's how it refers to all the --</b></p> <p>5 <b>that's just how the system is set up. It refers</b></p> <p>6 <b>to all.</b></p> <p>7 Q. And if you look on the -- just below</p> <p>8 the tabs it's got a date on there. Do you see</p> <p>9 that date?</p> <p>10 <b>A. Uh-huh (positive response).</b></p> <p>11 Q. What is the date on there?</p> <p>12 <b>A. September 24th, 2018, it appears.</b></p> <p>13 Q. Okay. So that would have been,</p> <p>14 obviously, when Kathryn was there?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Because she's listed on there. Do</p> <p>17 you know why Andrea Sutton and Tiffany Sanders</p> <p>18 are not listed on there?</p> <p>19 <b>A. No. I mean, our system -- you know,</b></p> <p>20 <b>the way that our system is set up, this data that</b></p> <p>21 <b>comes into this dashboard is based on input from</b></p> <p>22 <b>team members and employees within the firm.</b></p> <p>23 <b>So when you clear a submission in</b></p>	<p style="text-align: right;">Page 68</p> <p>1 <b>A. I don't know the answer to that.</b></p> <p>2 Q. Okay. Would you sometimes put the</p> <p>3 stats in for your subordinates?</p> <p>4 <b>A. Sure, sure. I mean, most of the</b></p> <p>5 <b>time, you know, when a new piece of business</b></p> <p>6 <b>comes in, it's an account executive that clears</b></p> <p>7 <b>that piece of business.</b></p> <p>8 <b>But like I mentioned earlier, if I'm</b></p> <p>9 <b>sitting at my desk or Clay is sitting at his desk</b></p> <p>10 <b>or any broker is sitting at their desk and a</b></p> <p>11 <b>submission comes in, it's just as easy for me to</b></p> <p>12 <b>enter that submission in.</b></p> <p>13 Q. Okay. So, generally, though, most of</p> <p>14 the time it would be an account executive that</p> <p>15 enters?</p> <p>16 <b>A. Yeah.</b></p> <p>17 Q. And that basically was my question.</p> <p>18 It's coming from everybody on your team, not --</p> <p>19 there's not one specific person designated to</p> <p>20 input the information?</p> <p>21 <b>A. Correct.</b></p> <p>22 Q. Okay. Can you, for example, just</p> <p>23 pull up a date range and print up the dashboard</p>

<p style="text-align: right;">Page 69</p> <p>1 for your team during that date range?</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. Are you familiar with Trello?</p> <p>4 <b>A. Yeah.</b></p> <p>5 Q. What is Trello?</p> <p>6 <b>A. Trello has nothing to do with CRC.</b></p> <p>7 <b>It's not a corporate app. It's an app that I</b></p> <p>8 <b>think I might have discovered it, but someone</b></p> <p>9 <b>within our group discovered it in the app store.</b></p> <p>10 <b>And it's basically an app that allows</b></p> <p>11 <b>you to create boards. And our team started using</b></p> <p>12 <b>it for marketing purposes and just intellectual</b></p> <p>13 <b>capital purposes on our team.</b></p> <p>14 <b>So, for instance, you can create a</b></p> <p>15 <b>new board, and you could title that board, you</b></p> <p>16 <b>know, senior living, which in our industry refers</b></p> <p>17 <b>to nursing homes, assisted living. We place a</b></p> <p>18 <b>lot of that business.</b></p> <p>19 <b>And on that particular board for</b></p> <p>20 <b>senior living, you could list all the insurance</b></p> <p>21 <b>companies that we do business with that will</b></p> <p>22 <b>insure nursing homes.</b></p> <p>23 <b>We could create a separate board for</b></p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Did y'all ever chat or</p> <p>2 communicate through Trello?</p> <p>3 <b>A. No.</b></p> <p>4 Q. Is that true of -- do other</p> <p>5 departments use Trello to chat?</p> <p>6 <b>A. Not that I'm aware of. I'm not even</b></p> <p>7 <b>aware of a chat function on Trello.</b></p> <p>8 Q. Okay. I'm going to show you what I'm</p> <p>9 marking as Plaintiff's <b>Exhibit Number 3.</b></p> <p>10 (Whereupon, Plaintiff's <b>Exhibit No. 3</b></p> <p>11 was marked for identification and a copy of same</p> <p>12 is attached hereto.)</p> <p>13 MS. GILL: I only have two copies of</p> <p>14 it. It's the answers to interrogatories.</p> <p>15 MS. BARLOTTA: The initial ones, not</p> <p>16 the supplemental ones?</p> <p>17 MS. GILL: Correct.</p> <p>18 MS. PALMER: No, that would be the</p> <p>19 supplemental verified.</p> <p>20 MS. GILL: This one is verified, so I</p> <p>21 think it's the supplemental one.</p> <p>22 MS. BARLOTTA: I think they said</p> <p>23 supplemental on them, but that's fine. Ask your</p>
<p style="text-align: right;">Page 70</p> <p>1 architects and engineers, lawyers professional,</p> <p>2 physician medical/malpractice. Any product that</p> <p>3 we place as a wholesale insurance broker you</p> <p>4 could create these board and put contact</p> <p>5 information for those respective insurance</p> <p>6 companies.</p> <p>7 <b>And the idea behind that was that</b></p> <p>8 <b>instead of us having to constantly talk about and</b></p> <p>9 <b>communicate which insurance companies are doing</b></p> <p>10 <b>what, it was a way for everyone to have data and</b></p> <p>11 <b>information in one spot.</b></p> <p>12 Q. Just kind of like an easy chart, if</p> <p>13 you will, saying this company does this?</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. Okay.</p> <p>16 <b>A. So if somebody on the team got a</b></p> <p>17 <b>submission, you know, that was a nursing home,</b></p> <p>18 <b>they could pull up Trello on their phone, look at</b></p> <p>19 <b>the nursing home board and say, Okay, The Doctors</b></p> <p>20 <b>Company, MedPro, Ironshore, Berkley are all</b></p> <p>21 <b>markets that will look at this business, and</b></p> <p>22 <b>here's the contact information for the</b></p> <p>23 <b>underwriter at that company.</b></p>	<p style="text-align: right;">Page 72</p> <p>1 question.</p> <p>2 Q. (BY MS. GILL:) Did you participate</p> <p>3 in the preparation of those, Plaintiff's Exhibit</p> <p>4 Number 3?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. I was asked questions.</b></p> <p>7 Q. Okay. And I don't want to know what</p> <p>8 you and your attorney -- but did you provide</p> <p>9 information to answer the questions?</p> <p>10 <b>A. Yeah.</b></p> <p>11 Q. And did you review those prior to</p> <p>12 submitting them to us in this case?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. If you'll give me just a second, I'm</p> <p>15 trying to locate a specific question.</p> <p>16 <b>A. Sure.</b></p> <p>17 Q. If I could direct your attention to</p> <p>18 Number 3. In that question we asked CRC what</p> <p>19 e-mail programs, chat programs, workflow and</p> <p>20 other operating programs CRC utilized. Do you</p> <p>21 see your response where it says, Employees</p> <p>22 communicate with one another through Trello?</p> <p>23 <b>A. Yeah.</b></p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Are you aware of that?</p> <p>2 <b>A. Well, the term "communicate" was not</b></p> <p>3 <b>like realtime communication. At some point that</b></p> <p>4 <b>app was opened up like a public forum, almost</b></p> <p>5 <b>like an open source type app to where other</b></p> <p>6 <b>people within the department if they wanted to</b></p> <p>7 <b>could download the app to their phone and then</b></p> <p>8 <b>could have access to those same boards that other</b></p> <p>9 <b>teams were using. It was kind of a sharing of</b></p> <p>10 <b>information --</b></p> <p>11 Q. So it wasn't like --</p> <p>12 <b>A. -- resource.</b></p> <p>13 Q. -- private messaging to each other?</p> <p>14 <b>A. No, no, no. Never.</b></p> <p>15 Q. Say a new client came up that also</p> <p>16 writes this kind of business, the nursing home</p> <p>17 business, you might add them on there?</p> <p>18 <b>A. Yeah, if you had your own separate</b></p> <p>19 <b>team within the department and you got a nursing</b></p> <p>20 <b>home account in and you said, All right, I've got</b></p> <p>21 <b>access to Trello, I can get onto Trello and see</b></p> <p>22 <b>that Corey's team has created this board for</b></p> <p>23 <b>nursing homes. You could look at that board and</b></p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Okay.</p> <p>2 <b>A. Or three.</b></p> <p>3 Q. And Trello and Share Point?</p> <p>4 <b>A. I'm not aware of any correlation or</b></p> <p>5 <b>affiliation.</b></p> <p>6 Q. Do y'all use SharePoint?</p> <p>7 <b>A. No, not that I'm aware of.</b></p> <p>8 Q. Okay. I think in those same</p> <p>9 responses you -- that CRC amended the response</p> <p>10 and mentioned an Exchange Server for storage on</p> <p>11 the premises of information. Is that for -- what</p> <p>12 do you use the Exchange Server for?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. That would just be the Outlook</b></p> <p>15 <b>Exchange, our normal day-to-day e-mail.</b></p> <p>16 Q. Okay. So there's nothing new and</p> <p>17 different stored on that other than Outlook?</p> <p>18 <b>A. Outlook, yeah. That I'm aware of.</b></p> <p>19 Q. Do you have a retention policy</p> <p>20 related to Outlook or Exchange information?</p> <p>21 <b>A. We do.</b></p> <p>22 Q. What is the retention policy?</p> <p>23 <b>A. I do not know.</b></p>
<p style="text-align: right;">Page 74</p> <p>1 <b>say, All right, these are the markets that are</b></p> <p>2 <b>writing nursing homes. Thanks, Corey.</b></p> <p>3 Q. So it's stored on everybody's app on</p> <p>4 their phones or desktops or wherever?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. It would be on anybody's phone or</b></p> <p>7 <b>iPad that chose to download the app and submit a</b></p> <p>8 <b>form for access to it.</b></p> <p>9 Q. So your understanding is there's no</p> <p>10 private text messaging function?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Okay. I just wanted to clarify that.</p> <p>13 <b>A. Yeah.</b></p> <p>14 Q. How do you generally chat in the</p> <p>15 office? You said earlier you used e-mails. Did</p> <p>16 y'all use any other systems?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Did y'all use Trello to store tasks?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you know if the Trello -- do you</p> <p>21 have Trello for Slack or Trello for Google Chat?</p> <p>22 <b>A. I don't even know that the two are</b></p> <p>23 <b>related to one another.</b></p>	<p style="text-align: right;">Page 76</p> <p>1 Q. I know like banks have retention</p> <p>2 policies of ten years. Is there anything for the</p> <p>3 insurance that's comparable to that?</p> <p>4 <b>A. There's not a standard that I'm aware</b></p> <p>5 <b>of. We are owned by a bank, so I don't know if</b></p> <p>6 <b>their retention policy trickled down to us or</b></p> <p>7 <b>not.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. But I'm not aware of any insurance</b></p> <p>10 <b>specific retention policy standard.</b></p> <p>11 Q. Okay. Do y'all have any specific</p> <p>12 document storage like servers or paper files or</p> <p>13 anything?</p> <p>14 <b>A. Not that I'm aware of.</b></p> <p>15 Q. Okay. So is everything on the cloud</p> <p>16 or on the computer?</p> <p>17 <b>A. I don't know the answer to that.</b></p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 <b>A. That would be something for IT.</b></p> <p>20 Q. Do y'all have any policies and</p> <p>21 procedures in place in the Birmingham</p> <p>22 Professional liability department relating to how</p> <p>23 signature blocks are created and maintained?</p>

<p style="text-align: right;">Page 77</p> <p>1 <b>A. No. At that time we did not. We</b>  2 <b>just recently within the past couple of months</b>  3 <b>had a signature block template sent to us by</b>  4 <b>corporate. And the catalyst behind that was the</b>  5 <b>State of California passed legislation or</b>  6 <b>something to the insurance industry that requires</b>  7 <b>that any broker that does business in California</b>  8 <b>has to have their California license number on</b>  9 <b>their signature block.</b></p> <p>10 <b>But prior to that, I was not aware of</b>  11 <b>any mandated signature block template.</b></p> <p>12 Q. Did -- could anybody create their own  13 signature?</p> <p>14 <b>A. Yeah, as far as I know.</b></p> <p>15 Q. And did anybody review employees'  16 signature blocks?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. Not that I'm aware of.</b></p> <p>19 Q. Did you instruct your team to include  20 certain information in their signature block?</p> <p>21 <b>A. I did not. I believe up until</b>  22 <b>recently most people just had their name, CRC</b>  23 <b>Insurance Services or CRC Group, and their</b></p>	<p style="text-align: right;">Page 79</p> <p>1 you an example.</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. Okay. What about like when you're  4 out of the office, automatic replies, who creates  5 those?</p> <p>6 <b>A. The person who's out of the office.</b></p> <p>7 Q. Okay. And -- let me show you this.</p> <p>8 MS. GILL: What am I, 4?</p> <p>9 THE REPORTER: Yes.</p> <p>10 <b>A. Uh-huh (positive response).</b>  11 (Whereupon, Plaintiff's <b>Exhibit No. 4</b>  12 was marked for identification and a copy of same  13 is attached hereto.)</p> <p>14 Q. (BY MS. GILL:) For example, on your  15 e-mail, you've got your team members listed at  16 the bottom. Do you see that?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Is there a reason Kathryn Hendrix is  19 in there with Andrea and Tiffany?</p> <p>20 <b>A. Yeah. She's a member of the team.</b></p> <p>21 Q. Was she a broker at that point in  22 time?</p> <p>23 <b>A. What is this date? Yeah, she was an</b></p>
<p style="text-align: right;">Page 78</p> <p>1 <b>e-mail, and their phone number.</b></p> <p>2 Q. I guess, for example, I've seen on  3 your e-mails, you would have your team listed,  4 each person on your team listed.</p> <p>5 <b>A. Uh-huh (positive response).</b></p> <p>6 Q. Is that consistent throughout your  7 team? Everybody is supposed to have that on  8 there or is that --</p> <p>9 <b>A. I think most do. I've not checked to</b>  10 <b>see, but I think most do at this point.</b></p> <p>11 Q. At this point they do. Did they when  12 Kathryn Hendrix was there?</p> <p>13 <b>A. I do not know.</b></p> <p>14 Q. Is there ever a situation where a  15 member would be omitted from a team?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. Not that I recall.</b></p> <p>18 Q. Was there ever a situation where  19 somebody misrepresented their position on their  20 signature block?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. Not that I recall.</b></p> <p>23 Q. On your e-mails -- well, I'll show</p>	<p style="text-align: right;">Page 80</p> <p>1 <b>inside broker.</b></p> <p>2 Q. Is Yvette Talsma an account  3 executive?</p> <p>4 <b>A. She is.</b></p> <p>5 Q. Okay. On Page 2 of this exhibit, it  6 looks like there's a different e-mail from you.</p> <p>7 <b>A. Uh-huh (positive response).</b></p> <p>8 Q. And the order is changed up of your  9 team members. Do you remember changing that?</p> <p>10 <b>A. I do not.</b></p> <p>11 Q. Do you know why you would change it?</p> <p>12 <b>A. I do not.</b></p> <p>13 Q. Let me show you what I'm marking as  14 Plaintiff's <b>Exhibit Number 5.</b>  15 (Whereupon, Plaintiff's <b>Exhibit No. 5</b>  16 was marked for identification and a copy of same  17 is attached hereto.)</p> <p>18 Q. Let me show you Plaintiff's Exhibit  19 5. I'm sorry. Let me give you the one with the  20 sticker.</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. Do you see Clay's automatic reply?</p> <p>23 <b>A. I do.</b></p>



<p style="text-align: right;">Page 81</p> <p>1 Q. Do you know why Kathryn Hendrix is 2 omitted from being on his team?</p> <p>3 <b>A. I do not.</b></p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. I don't know if Kathryn was out of 6 the office that day or if she had something else 7 going on that day or if Clay felt like anything 8 that might have come up when he was out of the 9 office that day could have been handled by the 10 account executives.</b></p> <p>11 Q. Okay. So Clay would have done this?</p> <p>12 <b>A. Clay would have done this, yes.</b></p> <p>13 Q. Did you see that e-mail when it came 14 through?</p> <p>15 <b>A. I can't say specifically. It wasn't 16 addressed to me. It was addressed to Kathryn. 17 If I sent Clay an e-mail, I would have seen it.</b></p> <p>18 Q. Do you know who Jonathan Morgan is?</p> <p>19 <b>A. I do.</b></p> <p>20 Q. And what was his position?</p> <p>21 <b>A. He's on Truitt Taylor's team.</b></p> <p>22 Q. Was he a broker, inside broker, 23 associate broker?</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. I'm sorry. Yeah, account executives.</p> <p>2 <b>A. No.</b></p> <p>3 Q. Or broker assistants?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Or associate brokers?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Did anybody from other teams give 8 your people assignments?</p> <p>9 <b>A. No, not that I'm aware of. The only 10 time that brokers really -- the only time that 11 broker teams really interact with one another in 12 that capacity is situations where, you know, 13 another team may have an expertise or a 14 relationship that could benefit another broker 15 team, and you will agree to co-broke an account.</b></p> <p>16 Q. Okay.</p> <p>17 <b>A. But that's an anomaly. It doesn't 18 happen very often.</b></p> <p>19 Q. Was Brandon Hayes on your team?</p> <p>20 <b>A. He was not.</b></p> <p>21 Q. Did you ever assign him any tasks?</p> <p>22 <b>A. I did not.</b></p> <p>23 Q. Did -- what about the website? Who</p>
<p style="text-align: right;">Page 82</p> <p>1 <b>A. I honestly think he was hired as an 2 inside broker, but I don't know for sure. He 3 wasn't on my team. I had no involvement with his 4 employment.</b></p> <p>5 Q. Do you know whether his signature 6 line said he was an associate broker when he was 7 an inside broker?</p> <p>8 <b>A. I do not.</b></p> <p>9 Q. But that would have been up to him to 10 prepare the signature line?</p> <p>11 <b>A. Yeah, him and his team. Again, I had 12 no day-to-day involvement with Jonathan in terms 13 of business and how their team functions. He's 14 on Truitt's team, which is a completely separate 15 group.</b></p> <p>16 Q. Did you ever give assignments to 17 people who were not on your team?</p> <p>18 <b>A. No.</b></p> <p>19 Q. What about did you ever give 20 assignments to executive assistants that were not 21 on your team?</p> <p>22 <b>A. Executive assistants? You mean 23 account executives?</b></p>	<p style="text-align: right;">Page 84</p> <p>1 creates the content for the website?</p> <p>2 <b>A. I don't know the answer to that. I 3 mean, now our marketing department does it. They 4 should have done it then, but I can't say 5 precisely who would have done it.</b></p> <p>6 Q. When you hire somebody new, I think 7 you said you had hired three new people since 8 Kathryn has left --</p> <p>9 <b>A. Uh-huh (positive response).</b></p> <p>10 Q. -- did you provide the marketing 11 department information on those new hires for 12 them to put on the website?</p> <p>13 <b>A. I did not. Now we have on the 14 intranet site, there's a spot where individual 15 employees can go and submit a request for their 16 picture to be on the website, for their title, 17 for their bio, for references, for any 18 publication that they may have put out to be 19 available. That's employee specific. They can 20 update and adjust their website presence as they 21 see fit.</b></p> <p>22 Q. Are you aware that Jonathan Morgan is 23 listed on the website as an associate broker?</p>

<p>Page 85</p> <p>1 <b>A. I am not.</b></p> <p>2 Q. But your understanding is he was</p> <p>3 hired as an inside broker?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. I really don't want to attach all</p> <p>6 this. I think I'm just going to show you. It</p> <p>7 looks like it's CRC-Hendrix Bates Number 4979.</p> <p>8 I'll just kind of show you. It's a big thing, so</p> <p>9 I just --</p> <p>10 MS. BARLOTTA: Are you marking this</p> <p>11 as an exhibit?</p> <p>12 MS. GILL: I'm not, because it's so</p> <p>13 big.</p> <p>14 MS. BARLOTTA: Okay. Can I see it?</p> <p>15 THE WITNESS: Absolutely.</p> <p>16 MS. GILL: I mean, I guess I could</p> <p>17 pull that front page off. I guess I could do</p> <p>18 Page 1 and 2.</p> <p>19 MS. BARLOTTA: Okay.</p> <p>20 Q. (BY MS. GILL:) I guess I'm really</p> <p>21 just referring to 4979 and 4980. That identifies</p> <p>22 Mr. Morgan as an inside broker, doesn't it?</p> <p>23 <b>A. It does.</b></p>	<p>Page 87</p> <p>1 Q. Did you receive any e-mails from</p> <p>2 groups other than Birmingham Professional?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. Yeah.</b></p> <p>5 Q. What other groups did you receive</p> <p>6 e-mails from?</p> <p>7 <b>A. There's a group called CRC All.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. Which that includes, should include</b></p> <p>10 <b>every employee within the organization</b></p> <p>11 <b>countrywide. It's used rarely, but from time to</b></p> <p>12 <b>time we do get e-mail correspondence from -- sent</b></p> <p>13 <b>to us through that CRC All distribution list.</b></p> <p>14 Q. Are there any other groups?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 <b>A. Yeah. Every -- just like Birmingham</b></p> <p>17 <b>has Birmingham Professional, Birmingham Brokers,</b></p> <p>18 <b>there's also similar groups set up for Birmingham</b></p> <p>19 <b>Casualty, Birmingham Property, and, you know, I</b></p> <p>20 <b>can't speak to other offices, because I'm not in</b></p> <p>21 <b>those offices, but every other office should have</b></p> <p>22 <b>some form of similar distribution e-mail list</b></p> <p>23 <b>specific to their office.</b></p>
<p>Page 86</p> <p>1 Q. Okay. And that's what you thought he</p> <p>2 was hired as?</p> <p>3 <b>A. Yeah.</b></p> <p>4 Q. I just wanted to make sure. Okay.</p> <p>5 Yeah, I didn't mark it.</p> <p>6 Okay. I know we kind of touched on</p> <p>7 Outlook and how you had different groups of</p> <p>8 people like the Birmingham Professional and</p> <p>9 different groups. Who was responsible for</p> <p>10 creating those groups?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 <b>A. I don't know the answer to that.</b></p> <p>13 Q. Could any individual create a group?</p> <p>14 <b>A. Not that I'm aware of. I've never</b></p> <p>15 <b>done it, wouldn't know how.</b></p> <p>16 Q. Do you know who created Birmingham</p> <p>17 Professional?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 <b>A. I do not.</b></p> <p>20 Q. Are there any rules or procedures or</p> <p>21 policies related to creation of groups?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. Not that I'm aware of.</b></p>	<p>Page 88</p> <p>1 Q. When you receive an e-mail from, for</p> <p>2 example, Birmingham Professional, would it say</p> <p>3 Birmingham Professional or does it list the</p> <p>4 people in the group?</p> <p>5 <b>A. Birmingham Professional. I mean, I</b></p> <p>6 <b>think you can click Birmingham Professional and</b></p> <p>7 <b>double click, and it will expand to see who's in</b></p> <p>8 <b>that, but I've never done it. I think once you</b></p> <p>9 <b>do it, you can't get it back to the way that it</b></p> <p>10 <b>was or something.</b></p> <p>11 <b>But yeah, to answer your question, it</b></p> <p>12 <b>just shows that it came from CRC All or to</b></p> <p>13 <b>Birmingham Professional.</b></p> <p>14 Q. Are there any other groups that</p> <p>15 you're aware of?</p> <p>16 <b>A. Not that I'm aware of.</b></p> <p>17 Q. Is there a separate group Birmingham</p> <p>18 Professional Broker?</p> <p>19 <b>A. Yeah, Bham Professional Brokers,</b></p> <p>20 <b>yeah.</b></p> <p>21 Q. Do you have any reason or knowledge</p> <p>22 why Kathryn would be omitted from an e-mail or a</p> <p>23 listserv group?</p>



<p>Page 89</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. I do not.</b></p> <p>3 Q. Do you know whether she was omitted</p> <p>4 from an e-mail or listserv group?</p> <p>5 <b>A. I do not.</b></p> <p>6 Q. Do you have any information or</p> <p>7 knowledge that brokers were told to no longer use</p> <p>8 Birmingham Professional and to switch to another</p> <p>9 group?</p> <p>10 <b>A. Not specifically, no.</b></p> <p>11 Q. Do you generally have knowledge of</p> <p>12 that?</p> <p>13 <b>A. No. I don't remember --</b></p> <p>14 Q. Did you hear rumors of that?</p> <p>15 <b>A. I don't remember a situation where we</b></p> <p>16 <b>would. I mean, some of that depends on the</b></p> <p>17 <b>situation as to why one versus the other would be</b></p> <p>18 <b>used. If there was something going on that the</b></p> <p>19 <b>entire department needed to be involved in or an</b></p> <p>20 <b>event or underwriter or a client coming into</b></p> <p>21 <b>town.</b></p> <p>22 Q. So --</p> <p>23 <b>A. One versus the other could be used.</b></p>	<p>Page 91</p> <p>1 <b>in that context would be once we knew who was</b></p> <p>2 <b>coming, who was attending the dinner. You know,</b></p> <p>3 <b>obviously, there's text communication probably</b></p> <p>4 <b>that would have gone on to say, Hey, I'm going to</b></p> <p>5 <b>be late or I'm going to be there, I'll meet you</b></p> <p>6 <b>guys at the restaurant at 5:30 or whatever the</b></p> <p>7 <b>case may be.</b></p> <p>8 <b>But there was no text group or</b></p> <p>9 <b>anything like that used for anything business</b></p> <p>10 <b>related like that as far as appointments,</b></p> <p>11 <b>dinner, meetings, et cetera that I'm aware of.</b></p> <p>12 Q. What about to communicate leads and</p> <p>13 other business development information? Would</p> <p>14 y'all use text messages?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Never?</p> <p>17 <b>A. No. Leads in our business within the</b></p> <p>18 <b>organization really just doesn't happen. I mean,</b></p> <p>19 <b>we are, you know, seven, eight broker teams, if</b></p> <p>20 <b>you're including underwriting. We operate our</b></p> <p>21 <b>own teams as our own businesses basically.</b></p> <p>22 Q. Okay.</p> <p>23 <b>A. So we're -- you know, and it's a very</b></p>
<p>Page 90</p> <p>1 Q. Okay. But you are not -- are you</p> <p>2 aware of any additional groups? For example, you</p> <p>3 said an event or an underwriter. Like could</p> <p>4 there be a group for that event?</p> <p>5 <b>A. No, not a separate group, no.</b></p> <p>6 Q. Or a group of underwriters coming</p> <p>7 into town --</p> <p>8 <b>A. No.</b></p> <p>9 Q. -- we're going to dinner and drinks</p> <p>10 with that group?</p> <p>11 <b>A. No, we would still use Birmingham</b></p> <p>12 <b>Professional, Birmingham Professional Brokers,</b></p> <p>13 <b>just depending on the event and who any</b></p> <p>14 <b>particular client or insurance company that's</b></p> <p>15 <b>coming to see us wanted to have invited.</b></p> <p>16 Q. Would a group text be used for those</p> <p>17 kind of situations?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Like somebody is coming to dinner,</p> <p>20 let's invite these people?</p> <p>21 <b>A. No.</b></p> <p>22 Q. That would never be used?</p> <p>23 <b>A. No. The only time text would be used</b></p>	<p>Page 92</p> <p>1 <b>healthy environment, but it's a competitive</b></p> <p>2 <b>environment with the other teams in our office.</b></p> <p>3 <b>So other teams in the office have their clients</b></p> <p>4 <b>that they call on that they go and try and get</b></p> <p>5 <b>business from.</b></p> <p>6 <b>Like I would never reach out to Rusty</b></p> <p>7 <b>Hughes and say, Hey, I've got a retail broker</b></p> <p>8 <b>that I've heard about in Colorado that you should</b></p> <p>9 <b>go try and get business from. I'm going to try</b></p> <p>10 <b>and go get that. So there's no referral program</b></p> <p>11 <b>within our department.</b></p> <p>12 Q. Is there -- what about you also</p> <p>13 wouldn't get Rusty's clients?</p> <p>14 <b>A. Correct. No.</b></p> <p>15 Q. What about say the person in Colorado</p> <p>16 is open and you're going to go try to get that,</p> <p>17 would you communicate with your team over text</p> <p>18 message about what you're going to do to develop</p> <p>19 that business?</p> <p>20 <b>A. No. The team would know that I'm</b></p> <p>21 <b>traveling and where I am and who I'm going to</b></p> <p>22 <b>see, but that would be done either in person, I'm</b></p> <p>23 <b>going to be out of the office the next three days</b></p>

<p style="text-align: right;">Page 93</p> <p>1 <b>traveling to Denver, Colorado seeing X, Y, Z</b>  2 <b>clients or send an e-mail saying, Hey, I'm going</b>  3 <b>to be out of the office the next three days</b>  4 <b>traveling on business.</b>  5 Q. Have you ever gotten a text from  6 someone's personal phone or company phone about  7 leads?  8 MS. BARLOTTA: Object to form.  9 <b>A. I have not.</b>  10 Q. Do you have company phones?  11 <b>A. Yeah.</b>  12 Q. Okay. And who all is issued a  13 company phone?  14 <b>A. Typically, it's broker roles. I</b>  15 <b>can't say for sure whether there are exceptions</b>  16 <b>to that, but --</b>  17 Q. Do you know whether Kat had a company  18 phone or personal phone?  19 <b>A. She had a company phone.</b>  20 Q. And she had to turn it back in,  21 didn't she?  22 <b>A. She did.</b>  23 Q. And so the company would have been in</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. Do you know whether CRC took steps to  2 preserve the contents of Kat's phone when she  3 turned it in?  4 MS. BARLOTTA: Object to form.  5 <b>A. I do not.</b>  6 Q. Did you receive or see Kat's EEOC  7 charge?  8 <b>A. I did.</b>  9 Q. When did you see it?  10 <b>A. I don't recall exactly, but I do</b>  11 <b>remember seeing it.</b>  12 Q. And do you remember Page 2 of -- the  13 notice to the employer contains a preservation  14 request?  15 <b>A. I don't recall that.</b>  16 Q. Did y'all take any steps to try to  17 preserve her phone contents?  18 MS. BARLOTTA: Object to form.  19 <b>A. I don't know.</b>  20 Q. Did you direct anybody to wipe the  21 phone clean?  22 MS. BARLOTTA: Object to form.  23 <b>A. I do remember when an employee -- I</b></p>
<p style="text-align: right;">Page 94</p> <p>1 possession and control of her phone once she  2 turned it in?  3 MS. BARLOTTA: Object to form.  4 <b>A. Sure.</b>  5 Q. And so there would have been no  6 issues pulling information from her phone,  7 because it was the company phone?  8 MS. BARLOTTA: Object to form.  9 <b>A. I don't -- I wouldn't know the answer</b>  10 <b>to that. I never was in possession of her phone</b>  11 <b>after her departure.</b>  12 Q. Did you give new phones to Clay or  13 other new agents?  14 MS. BARLOTTA: Object to form.  15 <b>A. Clay has a company phone.</b>  16 Q. Was it the phone produced from the  17 company? I mean, like they didn't use their  18 personal phone number or anything, did he?  19 MS. BARLOTTA: Object to form.  20 <b>A. No. It's a company-issued phone.</b>  21 Q. Do you know whether Kat had her own  22 personal number?  23 <b>A. I don't know.</b></p>	<p style="text-align: right;">Page 96</p> <p>1 <b>don't remember when the EEOC charge came in. It</b>  2 <b>did not come to my attention. I never laid eyes</b>  3 <b>on it until much later once we got into the</b>  4 <b>litigation side of it.</b>  5 Q. You never laid eyes on the charge  6 until much later?  7 <b>A. Yes. But there is a termination form</b>  8 <b>that when somebody is either terminated and/or</b>  9 <b>leaves the company that we have to complete for</b>  10 <b>the IT department to get back any equipment that</b>  11 <b>was issued to that employee.</b>  12 Q. Were you aware that Kat had  13 complained of a difference in treatment between  14 the males and females prior to her departure?  15 MS. BARLOTTA: Object to form.  16 <b>A. I was not.</b>  17 Q. Did she not have any conversations  18 with you over lunch where she felt she was being  19 treated differently?  20 <b>A. Yeah, we went to lunch, but I don't</b>  21 <b>recall anything being a hundred percent based on</b>  22 <b>gender. At that time I remember a lot of those</b>  23 <b>conversations being based around her feeling like</b></p>

<p style="text-align: right;">Page 97</p> <p>1 she was doing more administrative work than she</p> <p>2 wanted to do in an inside broker role.</p> <p>3 Q. I'm showing you what I'm marking as</p> <p>4 Plaintiff's Exhibit Number 6.</p> <p>5 (Whereupon, Plaintiff's Exhibit No. 6</p> <p>6 was marked for identification and a copy of same</p> <p>7 is attached hereto.)</p> <p>8 Q. I'm sorry. You get the one with the</p> <p>9 sticker. Sorry.</p> <p>10 A. Yeah, sure.</p> <p>11 Q. On this form -- I'm just going to ask</p> <p>12 you, did you fill out this form?</p> <p>13 A. There's no signature on it. I don't</p> <p>14 honestly remember exactly whether I did it or</p> <p>15 someone else prefilled it. I remember seeing</p> <p>16 this form.</p> <p>17 Q. Okay. It says requesting manager,</p> <p>18 Corey Daugherty.</p> <p>19 A. Uh-huh (positive response).</p> <p>20 Q. So it's either you or somebody on</p> <p>21 your behalf filled this out?</p> <p>22 A. Yep.</p> <p>23 Q. And at the bottom, it says to wipe</p>	<p style="text-align: right;">Page 99</p> <p>1 that would be the case. I personally did not</p> <p>2 wipe the phone. Like I said, I never had the</p> <p>3 phone in my possession.</p> <p>4 Q. And I guess a better question is: It</p> <p>5 wasn't wiped before that date?</p> <p>6 A. Not.</p> <p>7 Q. It was either that date or later?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. I would say so, yes.</p> <p>10 Q. Do you know whether calls to HR were</p> <p>11 recorded?</p> <p>12 A. I do not.</p> <p>13 Q. You don't know?</p> <p>14 A. I don't know.</p> <p>15 Q. Would that be a better question to</p> <p>16 ask HR?</p> <p>17 A. Sure.</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 Q. And I guess the same -- do you have</p> <p>20 any information about documenting complaints of</p> <p>21 discrimination and how that's done?</p> <p>22 A. I do not.</p> <p>23 Q. What were your duties as a broker of</p>
<p style="text-align: right;">Page 98</p> <p>1 the phone. Do you see that?</p> <p>2 A. I do see that.</p> <p>3 Q. And to -- it says she's not a coded</p> <p>4 producer. Do you see that?</p> <p>5 A. Uh-huh (positive response).</p> <p>6 Q. What does that mean?</p> <p>7 A. So on our team, I was the only coded</p> <p>8 producer. So the team lead on any -- so if you</p> <p>9 looked at that broker ranking from the dashboard</p> <p>10 that we looked at earlier, if you saw any</p> <p>11 individual's name, Jason Lewis, Rusty Hughes, any</p> <p>12 other broker's name in the firm, that name that's</p> <p>13 on that list would be the coded producer.</p> <p>14 So any other broker on an individual</p> <p>15 team would not have their own production code.</p> <p>16 Q. So Clay Segrest would not have a</p> <p>17 production code?</p> <p>18 A. He would not.</p> <p>19 Q. So would it be fair to say as of</p> <p>20 December 12th, 2019, you or somebody on your</p> <p>21 behalf wiped the phone?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. Yes. Based on that date, I would say</p>	<p style="text-align: right;">Page 100</p> <p>1 a team to document any complaints of</p> <p>2 discrimination?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 A. If someone filed a formal complaint</p> <p>5 with me about discrimination, I would take that</p> <p>6 to HR.</p> <p>7 Q. How do you file a formal complaint</p> <p>8 with you?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 A. With me?</p> <p>11 Q. Yeah.</p> <p>12 A. If an employee of mine made any</p> <p>13 charge or comment about discrimination in any</p> <p>14 way, I would immediately go to HR with that. It</p> <p>15 wouldn't have to be a filed formal complaint.</p> <p>16 Q. I just asked that because that's what</p> <p>17 you said.</p> <p>18 A. Uh-huh (positive response), sure.</p> <p>19 Q. Someone could come to you verbally</p> <p>20 and just complain --</p> <p>21 A. Sure.</p> <p>22 Q. -- and then you would go to HR?</p> <p>23 A. Yeah.</p>

<p style="text-align: right;">Page 101</p> <p>1 Q. Did you ever have to go to HR from 2 2017 to 2020?</p> <p>3 <b>A. No.</b></p> <p>4 Q. For any employee?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Was there anybody else that would be 7 required to take it to HR if a complaint was 8 made?</p> <p>9 <b>A. Not that I'm aware of.</b></p> <p>10 Q. Would Rusty Hughes or Mr. Cadden be 11 required to take it to -- or Helveston?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 Q. Would they be required to report to 14 HR if a complaint was made to them?</p> <p>15 MS. BARLOTTA: Let me just state for 16 the record that you can ask Mr. Daugherty his 17 opinions and what he knows about the subject, but 18 he's not designated on topics related to HR or 19 discrimination.</p> <p>20 MS. GILL: That's fine.</p> <p>21 MS. BARLOTTA: I just wanted to 22 clarify.</p> <p>23 Q. (BY MS. GILL:) Do you know whether</p>	<p style="text-align: right;">Page 103</p> <p>1 <b>A. Not that I'm --</b></p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. Not that I'm aware of.</b></p> <p>4 Q. She didn't say that to you?</p> <p>5 <b>A. Not that I recall.</b></p> <p>6 Q. Did Kat ever complain that people 7 were getting -- more males were getting broker 8 roles over females?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. Not that I recall specifically to me.</b></p> <p>11 Q. If she had made either of those two 12 complaints, would you have told HR?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. I would have had a conversation with</b> 15 <b>Rusty and with John about it.</b></p> <p>16 Q. Did you ever have a conversation with 17 either Rusty or John about more males getting 18 broker positions than females?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. No.</b></p> <p>21 Q. When Kat told you she was being given 22 more administrative work than inside broker work, 23 did she say whether that was fair?</p>
<p style="text-align: right;">Page 102</p> <p>1 or have an opinion as to that?</p> <p>2 <b>A. I don't know. If a charge of</b> 3 <b>discrimination or somebody made a comment to me</b> 4 <b>about being discriminated against, I would</b> 5 <b>elevate it to HR, and I would talk to my</b> 6 <b>leadership team, which would have included Rusty</b> 7 <b>Hughes as the department manager and John Cadden</b> 8 <b>as our office president at that time.</b></p> <p>9 Q. Did you ever have to talk to Rusty 10 Hughes or John Cadden from 2017 to 2020?</p> <p>11 <b>A. Not about discrimination, no.</b></p> <p>12 Q. Did you talk to them about any other 13 complaints?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. Over that period of time, there was</b> 16 <b>obviously some conversations between Rusty and I</b> 17 <b>about Cadden's -- I mean, excuse me, Kathryn's</b> 18 <b>sentiment towards being asked or still doing more</b> 19 <b>administrative work than she felt she needed to</b> 20 <b>be doing or should be doing based on her role as</b> 21 <b>an inside broker.</b></p> <p>22 Q. Did Kat ever say Clay wasn't required 23 to do more administrative work?</p>	<p style="text-align: right;">Page 104</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. No, she didn't make that comment that</b> 3 <b>I recall.</b></p> <p>4 Q. What was your response to her when 5 she said that she was being given more 6 administrative work than broker work?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. I don't remember exactly what the</b> 9 <b>response was. I know that we talked about it.</b> 10 <b>We had a team meeting about it not very long</b> 11 <b>after that, and restructured our team agency</b> 12 <b>assignments to free her up, to try and free her</b> 13 <b>up to do more marketing of business, negotiation</b> 14 <b>and placement of business, and to focus on new</b> 15 <b>business more from existing retail clients that</b> 16 <b>we partnered with.</b></p> <p>17 Q. Are there any written policies on the 18 duties of yourself or others to document reports 19 of discrimination?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. Yeah, I mean, there's going to be</b> 22 <b>something in our employee handbook, and we have</b> 23 <b>training that gets pushed down to us from Truist,</b></p>

<p style="text-align: right;">Page 105</p> <p>1 <b>but I can't speak specifically to it at this</b>  2 <b>time.</b>  3 Q. And when you say training from  4 Truist, is that in-person training or is it on  5 the computer?  6 <b>A. Computer.</b>  7 Q. And is it -- how much training do you  8 do on EEO policies?  9 <b>A. I don't know the timetable, the</b>  10 <b>timeline when they roll it out, but there is</b>  11 <b>discrimination training that we do, that all</b>  12 <b>employees are required to do.</b>  13 Q. I mean, is it once a year? Is it --  14 <b>A. I mean, at least once a year I would</b>  15 <b>say. No more than twice a year.</b>  16 Q. How much of the training is devoted  17 to EEO?  18 <b>A. I don't know the answer to that.</b>  19 Q. Do you know whether any training was  20 provided after Kat complained of discrimination?  21 <b>A. I do not.</b>  22 MS. BARLOTTA: Object to form.  23 Q. This is Plaintiff's <b>Exhibit Number 7.</b></p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Okay. And that was in 2016?  2 <b>A. Yep.</b>  3 Q. And the second one was Valuing  4 Diversity and Promoting Inclusion in August of  5 2019. Do you see that?  6 <b>A. I do.</b>  7 Q. At the bottom?  8 <b>A. I do.</b>  9 Q. Is there any -- how long was that?  10 That was one hour?  11 <b>A. That was one hour.</b>  12 Q. Is there any other training that you  13 can see that has to do with EEO?  14 <b>A. No, not that I see.</b>  15 MS. BARLOTTA: We produced the  16 Workplace Harassment for Managers training, so  17 you have that.  18 <b>A. Yeah, I do see that, another one in</b>  19 <b>2018.</b>  20 MS. GILL: And I would object to  21 counsel testifying.  22 MS. BARLOTTA: So the record is  23 clear, you have the document.</p>
<p style="text-align: right;">Page 106</p> <p>1 (Whereupon, Plaintiff's <b>Exhibit No. 7</b>  2 was marked for identification and a copy of same  3 is attached hereto.)  4 Q. Are you familiar with this document?  5 <b>A. I'm not.</b>  6 Q. You can look at it for a second.  7 (Whereupon, a discussion off the  8 record was held.)  9 Q. Would you look at Page 2 of this  10 document?  11 <b>A. Uh-huh (positive response).</b>  12 Q. It has the titles of the different  13 classes that were taken?  14 <b>A. Yeah.</b>  15 Q. And it appears this was your learning  16 history. Does that seem correct?  17 <b>A. Yeah, it appears to be.</b>  18 Q. Midway through that document, one of  19 the classes is Valuing Diversity and Promoting  20 Inclusion. Do you see that?  21 <b>A. Yeah, I do.</b>  22 Q. And it looks like that was one hour?  23 <b>A. Yes.</b></p>	<p style="text-align: right;">Page 108</p> <p>1 Q. (BY MS. GILL:) Do you see Workplace  2 Harassment for Managers?  3 <b>A. I do.</b>  4 Q. And is that one hour?  5 <b>A. It is.</b>  6 Q. Does that have to do with like sexual  7 harassment?  8 MS. BARLOTTA: Are you asking him --  9 I mean, you can show him the documents. He's  10 certainly not going to have them memorized to  11 tell you the content. You saw how many pages it  12 was, so it might be helpful if you showed it to  13 him.  14 MS. GILL: Well, I would object to  15 counsel instructing the client on his testimony.  16 MS. BARLOTTA: I'm not doing that.  17 <b>A. Yeah, I don't recall what all was</b>  18 <b>involved in that training course back then, but I</b>  19 <b>do see it.</b>  20 Q. (BY MS. GILL:) Do you consider  21 assigning men broker tasks and females  22 administrative tasks harassment?  23 MS. BARLOTTA: Object to form.</p>

<p style="text-align: right;">Page 109</p> <p>1 <b>A. I do not.</b></p> <p>2 Q. Does the employee handbook apply to</p> <p>3 all employees across the team?</p> <p>4 <b>A. Yeah, as far as I know, yeah.</b></p> <p>5 Q. And so, for example, in your team,</p> <p>6 you supervise everybody on your team?</p> <p>7 <b>A. Correct.</b></p> <p>8 Q. They're subject to all the rules of</p> <p>9 the employee handbook?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Correct.</b></p> <p>12 Q. Do -- are employees of other teams</p> <p>13 bound by those policies?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. And you report to Rusty Hughes, Mr.</p> <p>17 Cadden, and Mr. Helveston, correct?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 <b>A. Not currently, no.</b></p> <p>20 Q. At the time that Kathryn was there?</p> <p>21 <b>A. At the time, yes.</b></p> <p>22 Q. And did the other teams also report</p> <p>23 to Rusty Hughes, Mr. Cadden, and Mr. Helveston?</p>	<p style="text-align: right;">Page 111</p> <p>1 <b>A. Not that I recall to me directly.</b></p> <p>2 Q. Did you document Kat's complaints</p> <p>3 that Clay was treating her like a secretary?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. I don't remember.</b></p> <p>6 Q. Did you report that to HR?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. I did not.</b></p> <p>9 Q. How many conversations did you have</p> <p>10 with Kat over this issue?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 <b>A. Probably two that I recall.</b></p> <p>13 Q. Okay. And were those lunch meetings?</p> <p>14 <b>A. I recall one lunch meeting at Bistro</b></p> <p>15 <b>V, me and her and Clay.</b></p> <p>16 Q. Did you speak to Rusty Hughes or Mr.</p> <p>17 Cadden about that specific complaint?</p> <p>18 <b>A. I don't remember.</b></p> <p>19 Q. Or to HR?</p> <p>20 <b>A. I did not speak to HR.</b></p> <p>21 Q. But it's possible you did talk to Mr.</p> <p>22 Hughes; you just don't remember?</p> <p>23 MS. BARLOTTA: Object to form.</p>
<p style="text-align: right;">Page 110</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. The other teams within the</b></p> <p>3 <b>professional liability department reported to</b></p> <p>4 <b>Rusty Hughes.</b></p> <p>5 Q. Okay. Did Kat ever tell you Clay</p> <p>6 treated her like a secretary?</p> <p>7 <b>A. I don't recall those exact words. I</b></p> <p>8 <b>mean, there was -- she expressed that. I mean, I</b></p> <p>9 <b>remember her expressing something similar to</b></p> <p>10 <b>that, but I don't remember those exact words.</b></p> <p>11 Q. And I understand this was a while</p> <p>12 ago, but that was the gist of one of her</p> <p>13 complaints?</p> <p>14 <b>A. Yeah. She was complaining about</b></p> <p>15 <b>administrative work.</b></p> <p>16 Q. And did she complain that she was</p> <p>17 treated different from men?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 <b>A. Not that I recall, not to me</b></p> <p>20 <b>directly.</b></p> <p>21 Q. Did she complain about the company as</p> <p>22 a whole not hiring female brokers?</p> <p>23 MS. BARLOTTA: Object to form.</p>	<p style="text-align: right;">Page 112</p> <p>1 <b>A. I don't remember.</b></p> <p>2 Q. The policies that you mentioned that</p> <p>3 you probably have relating to documentation of</p> <p>4 EEO complaints, do those apply to Rusty Hughes,</p> <p>5 Mr. Cadden, and Mr. Helveston as well?</p> <p>6 MS. BARLOTTA: Object to the form.</p> <p>7 And, again, for the record, Mr. Daugherty is not</p> <p>8 designated on these types of issues, so you're</p> <p>9 just asking him as a fact witness.</p> <p>10 MS. GILL: Okay.</p> <p>11 Q. (BY MS. GILL:) You can answer.</p> <p>12 <b>A. Repeat the question again, please.</b></p> <p>13 MS. BARLOTTA: You're asking him</p> <p>14 those types of questions, so it is his fact</p> <p>15 witness deposition.</p> <p>16 Q. Well, as a corporate representative,</p> <p>17 do you have knowledge of whether Mr. Cadden, Mr.</p> <p>18 Helveston, or Mr. Hughes are subject to the</p> <p>19 policies relating to documentation of EEO</p> <p>20 complaints?</p> <p>21 MS. BARLOTTA: He's not designated on</p> <p>22 that topic. You can ask him his opinion.</p> <p>23 Q. What is your opinion on that?</p>



<p style="text-align: right;">Page 113</p> <p>1 MS. BARLOTTA: As a fact witness.</p> <p>2 Testify.</p> <p>3 MS. GILL: Well, are you putting</p> <p>4 somebody else up to answer that question?</p> <p>5 MS. BARLOTTA: Yeah, we already told</p> <p>6 you that.</p> <p>7 MS. GILL: Okay. I just wanted to</p> <p>8 make sure. I wanted it to be clear.</p> <p>9 Q. (BY MS. GILL:) What is your opinion</p> <p>10 on that issue?</p> <p>11 <b>A. They should apply to all employees.</b></p> <p>12 (Whereupon, a discussion off the</p> <p>13 record was held.)</p> <p>14 Q. And just to be clear, this is your</p> <p>15 30(b)(6) deposition.</p> <p>16 MS. BARLOTTA: On the topics in which</p> <p>17 he's designated. Anything else outside of that</p> <p>18 and his opinion is his fact witness testimony.</p> <p>19 MS. GILL: Well, we reserve the right</p> <p>20 to take a separate fact witness deposition at</p> <p>21 that time.</p> <p>22 MS. BARLOTTA: Well, you'll have to</p> <p>23 take it up with the Court. We've already gotten</p>	<p style="text-align: right;">Page 115</p> <p>1 <b>lot of other factors, you know, how long somebody</b></p> <p>2 <b>has worked with a particular retailer, we always</b></p> <p>3 <b>try to divide the book of business up between</b></p> <p>4 <b>account executives so that one person takes</b></p> <p>5 <b>ownership hopefully.</b></p> <p>6 <b>We want them to take ownership of</b></p> <p>7 <b>those agents from a customer service and customer</b></p> <p>8 <b>experience perspective.</b></p> <p>9 Q. So the account executives take</p> <p>10 ownership of doing those responsibilities for</p> <p>11 those particular --</p> <p>12 <b>A. For those particular --</b></p> <p>13 Q. -- clients?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Okay.</p> <p>16 VIDEOGRAPHER: I'm sorry, Trish. Do</p> <p>17 you have your microphone?</p> <p>18 MS. GILL: Oh, I don't. I'm sorry.</p> <p>19 <b>A. And the same thing with inside</b></p> <p>20 <b>brokers.</b></p> <p>21 Q. (BY MS. GILL:) Inside brokers are</p> <p>22 assigned an account executive to be responsible?</p> <p>23 <b>A. No. They have certain agencies that</b></p>
<p style="text-align: right;">Page 114</p> <p>1 into many factual issues outside of the 30(b)(6)</p> <p>2 notice.</p> <p>3 MS. GILL: We will.</p> <p>4 MS. BARLOTTA: Let's take a break.</p> <p>5 VIDEOGRAPHER: All right. We'll go</p> <p>6 off the record. The time is 11:50 a.m.</p> <p>7 (Whereupon, a lunch recess was</p> <p>8 taken.)</p> <p>9 VIDEOGRAPHER: We are back on the</p> <p>10 record at 1:03 p.m.</p> <p>11 Q. (BY MS. GILL:) I'm just going to go</p> <p>12 back and ask a couple of questions about the</p> <p>13 structure again --</p> <p>14 <b>A. Yeah, sure.</b></p> <p>15 Q. -- that I missed as I was going</p> <p>16 through it. Did you assign agents to Clay</p> <p>17 Segrest or Kathryn Hendrix?</p> <p>18 <b>A. The way we do that is account</b></p> <p>19 <b>executives and inside brokers. Every book of</b></p> <p>20 <b>business and most teams are set up like this.</b></p> <p>21 <b>There's a group of agents that every broker does</b></p> <p>22 <b>business with that makes up their book of</b></p> <p>23 <b>business, and depending on relationships and a</b></p>	<p style="text-align: right;">Page 116</p> <p>1 <b>they handle among different -- like different</b></p> <p>2 <b>teams will have inside brokers handle certain</b></p> <p>3 <b>retail relationships as well.</b></p> <p>4 Q. So an inside broker has account</p> <p>5 executive duties that they're wholly responsible</p> <p>6 for?</p> <p>7 <b>A. Not necessarily account executive</b></p> <p>8 <b>duties, but just as far as continued growth and</b></p> <p>9 <b>development with that particular agent on a new</b></p> <p>10 <b>business perspective, involvement with renewals.</b></p> <p>11 Q. If an inside broker is assigned</p> <p>12 agents -- I'm sorry -- clients that their duty is</p> <p>13 to maintain, would they also be assigned an</p> <p>14 account executive?</p> <p>15 <b>A. Yeah, in some cases.</b></p> <p>16 Q. Was Kathryn assigned an account</p> <p>17 executive?</p> <p>18 <b>A. Yeah, when we restructured the book,</b></p> <p>19 <b>I guess the last time, it would have been early</b></p> <p>20 <b>-- sometime the end of 2018, maybe early 2019, I</b></p> <p>21 <b>don't recall exactly the date, but there were a</b></p> <p>22 <b>few agencies.</b></p> <p>23 <b>There was AssuredPartners in</b></p>

<p style="text-align: right;">Page 117</p> <p>1 <b>Columbus, Ohio. There was Willis Birmingham.</b></p> <p>2 <b>There was Insure in North Carolina. There was</b></p> <p>3 <b>McGriff in Raleigh-Durham, North Carolina where</b></p> <p>4 <b>she was the inside broker handling that business,</b></p> <p>5 <b>and Yvette was handling the quoting and some of</b></p> <p>6 <b>the administrative work for AssuredPartners.</b></p> <p>7 <b>Tiffany Sanders, I believe, was</b></p> <p>8 <b>assigned some of the administrative, quoting and</b></p> <p>9 <b>processing for Willis, and then Andrea took on</b></p> <p>10 <b>some of the administrative components of McGriff</b></p> <p>11 <b>North Carolina. So yeah.</b></p> <p>12 Q. And you said that happened when you</p> <p>13 restructured in early 2018?</p> <p>14 <b>A. I don't recall the exact timeframe on</b></p> <p>15 <b>that. Sometime in 2018, I believe.</b></p> <p>16 Q. Would it have been --</p> <p>17 <b>A. I think it was after when we had the</b></p> <p>18 <b>lunch.</b></p> <p>19 Q. It was after she complained that she</p> <p>20 had too much administrative duties?</p> <p>21 <b>A. Uh-huh (positive response).</b></p> <p>22 Q. When she was promoted, were the</p> <p>23 accounts that -- or clients that she was</p>	<p style="text-align: right;">Page 119</p> <p>1 But if you wanted to delegate it, you</p> <p>2 could have, correct --</p> <p>3 <b>A. Sure.</b></p> <p>4 Q. -- to an account executive?</p> <p>5 <b>A. Sure.</b></p> <p>6 Q. The account executives are assigned</p> <p>7 those tasks and ultimately responsible for those</p> <p>8 tasks, and they can't delegate it to somebody</p> <p>9 else?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Sure, correct.</b></p> <p>12 Q. Okay. And you said it's not</p> <p>13 immediate. It's not a switch. If Kat says it</p> <p>14 was about two years later that the restructuring</p> <p>15 occurred after her promotion, do you have any</p> <p>16 reason to think it was that much time had passed?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. You know, I don't know if there's any</b></p> <p>19 <b>specific timeframe. I mean, you know, we say</b></p> <p>20 <b>this all the time in our industry, it's a</b></p> <p>21 <b>marathon, not a sprint. It takes years to</b></p> <p>22 <b>develop a career in the insurance industry, much</b></p> <p>23 <b>like a legal profession.</b></p>
<p style="text-align: right;">Page 118</p> <p>1 responsible for removed from her?</p> <p>2 <b>A. No.</b></p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 Q. So she had the inside broker duties</p> <p>5 and those accounts that she had when she was</p> <p>6 executive assistant?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. It's not like it's an immediate.</b></p> <p>9 <b>Like when you get moved from an account executive</b></p> <p>10 <b>to an inside broker, it's not like a switch is</b></p> <p>11 <b>flipped.</b></p> <p>12 <b>Like we said before, inside brokers,</b></p> <p>13 <b>brokers, all brokers still handle functions</b></p> <p>14 <b>within a team and do what's necessary on a</b></p> <p>15 <b>particular relationship, whether it be an entire</b></p> <p>16 <b>office relationship or whether it be a specific</b></p> <p>17 <b>account relationship. It's something that</b></p> <p>18 <b>happens over time.</b></p> <p>19 Q. And I understand you have clients,</p> <p>20 and so you're going to get something -- like, for</p> <p>21 example, you said you did certain things when you</p> <p>22 were on the road, because it's just what the</p> <p>23 account needed.</p>	<p style="text-align: right;">Page 120</p> <p>1 <b>It's relationship based. It takes</b></p> <p>2 <b>time to get the confidence in a client for them</b></p> <p>3 <b>to trust you with their business. It's very --</b></p> <p>4 <b>it's a very intensive learning curve from a</b></p> <p>5 <b>coverage perspective, because we deal with so</b></p> <p>6 <b>many different products.</b></p> <p>7 Q. So would you agree with her it was</p> <p>8 about two years before the restructuring</p> <p>9 occurred?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. I don't remember the exact dates. We</b></p> <p>12 <b>restructured things a couple of different times</b></p> <p>13 <b>to try to take some of that administrative</b></p> <p>14 <b>workload off of her.</b></p> <p>15 Q. Okay. You mentioned someone named</p> <p>16 Steele Cadden?</p> <p>17 <b>A. Uh-huh (positive response).</b></p> <p>18 Q. Is he related to John Cadden?</p> <p>19 <b>A. He is.</b></p> <p>20 Q. And what is their relationship?</p> <p>21 <b>A. Father, son.</b></p> <p>22 Q. Okay. And did Mr. Cadden, the</p> <p>23 father, have any role in approving Steele</p>



<p style="text-align: right;">Page 121</p> <p>1 Cadden's bonuses?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. They were sent to him; but, I mean,</b></p> <p>4 <b>no authority, no nothing. That was my decision.</b></p> <p>5 Q. Okay. Did the Birmingham office of</p> <p>6 CRC maintain discrimination complaints?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. I don't know. That seems more</b></p> <p>9 <b>appropriate for HR.</b></p> <p>10 Q. Well, that's why I was asking did</p> <p>11 Birmingham. Did Birmingham office CRC, not</p> <p>12 Truist HR?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. I don't know the answer to that.</b></p> <p>15 Q. Did you maintain any complaints of</p> <p>16 discrimination?</p> <p>17 <b>A. No.</b></p> <p>18 Q. What was the number of employees at</p> <p>19 CRC between 2017 and 2020 in total?</p> <p>20 <b>A. Companywide?</b></p> <p>21 Q. Yeah.</p> <p>22 <b>A. I do not know.</b></p> <p>23 Q. How many employees were in human</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Were you in control of hiring and</p> <p>2 firing?</p> <p>3 <b>A. For my team, yes.</b></p> <p>4 Q. When Kat came over to your</p> <p>5 department, how was the offer to come to your</p> <p>6 department conveyed to her?</p> <p>7 <b>A. It was a formal offer. We had put</b></p> <p>8 <b>out a position requisition for an account</b></p> <p>9 <b>executive. Her name was mentioned to me. I</b></p> <p>10 <b>can't remember who mentioned it to me, but at the</b></p> <p>11 <b>time Kat was working with -- Jack Elliott was her</b></p> <p>12 <b>boss at the time. He ran our administrative</b></p> <p>13 <b>compliance, I guess is the best way to refer to</b></p> <p>14 <b>it, group, which is where audit fell. Kat was in</b></p> <p>15 <b>the audit department.</b></p> <p>16 <b>We started looking for someone in</b></p> <p>17 <b>2014, was trying to find the right person. Her</b></p> <p>18 <b>name came up. I spoke to Jack in the office</b></p> <p>19 <b>about it, which typically happens when there's an</b></p> <p>20 <b>internal transfer. You want to make sure that,</b></p> <p>21 <b>you know, the other group feels like you're not</b></p> <p>22 <b>poaching their people.</b></p> <p>23 <b>Jack said he felt like Kat was good</b></p>
<p style="text-align: right;">Page 122</p> <p>1 resources?</p> <p>2 <b>A. I do not know.</b></p> <p>3 Q. How many employees in CRC Birmingham?</p> <p>4 <b>A. I don't know.</b></p> <p>5 Q. How many employees in the</p> <p>6 professional liability department?</p> <p>7 <b>A. I'm going to say probably thirty,</b></p> <p>8 <b>plus or minus. I don't know the exact number.</b></p> <p>9 Q. When there was a vacancy in the</p> <p>10 Birmingham office of CRC, how would people know</p> <p>11 that opportunity existed?</p> <p>12 <b>A. Typically, it was posted on an</b></p> <p>13 <b>internal intranet site.</b></p> <p>14 Q. On the intranet?</p> <p>15 <b>A. Uh-huh (positive response). I know</b></p> <p>16 <b>they also posted them on LinkedIn as well.</b></p> <p>17 Q. Okay. You mentioned it was</p> <p>18 typically. Was there ever a situation that it</p> <p>19 was word of mouth?</p> <p>20 <b>A. I don't know.</b></p> <p>21 Q. Did you ever hire anybody by word of</p> <p>22 mouth?</p> <p>23 <b>A. No.</b></p>	<p style="text-align: right;">Page 124</p> <p>1 <b>for the position and was ready to move out of</b></p> <p>2 <b>audit, that she, in Jack's words, had expressed</b></p> <p>3 <b>that she was getting tired of all the travel that</b></p> <p>4 <b>was required by audit. And we put the offer</b></p> <p>5 <b>letter together through HR, and they presented it</b></p> <p>6 <b>to her, and she accepted.</b></p> <p>7 Q. Is there ever a situation where like</p> <p>8 you would request somebody on your team?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. And what do you mean by request?</b></p> <p>11 Q. Like if there was an employee you</p> <p>12 felt -- like I know you went to Jack in this</p> <p>13 case.</p> <p>14 <b>A. Uh-huh (positive response).</b></p> <p>15 Q. But her name was already given to</p> <p>16 you.</p> <p>17 <b>A. Uh-huh (positive response).</b></p> <p>18 Q. Is there ever a situation where you</p> <p>19 just see an employee, you like how they're</p> <p>20 working, and you just request that person to be</p> <p>21 on your team?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. We've not really done that, I mean,</b></p>

<p style="text-align: right;">Page 125</p> <p>1 unless we're actively looking and we have a</p> <p>2 position requisition or we know that we have an</p> <p>3 open spot that we could bring somebody on for</p> <p>4 continued growth.</p> <p>5 I mean, we did it with Amy Ritenour,</p> <p>6 who's on our team now. She was in our accounting</p> <p>7 department, and we just reached out to her to see</p> <p>8 if she was interested in making a move.</p> <p>9 Q. If someone were to request somebody</p> <p>10 from your team, would you convey that request to</p> <p>11 that person?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. If someone came to me?</p> <p>14 Q. Uh-huh (positive response), yes.</p> <p>15 A. Sure, absolutely.</p> <p>16 Q. Okay. Did Susan Phillips come to you</p> <p>17 and say she wanted Kat on her team?</p> <p>18 A. No.</p> <p>19 Q. Did any other senior brokers ask for</p> <p>20 Kat to come on the team?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Did anybody tell you that either</p>	<p style="text-align: right;">Page 127</p> <p>1 they pull that spreadsheet document that I was</p> <p>2 referring to. And it basically looks at revenue,</p> <p>3 number of individuals already on your team, your</p> <p>4 team's total compensation, your team's travel and</p> <p>5 entertainment expenses.</p> <p>6 And there is a percentage, and I</p> <p>7 don't know what the percentage is, but there is a</p> <p>8 kind of a red light, green light, yellow light</p> <p>9 approach that they see. And if you're green,</p> <p>10 then that position is approved.</p> <p>11 Q. I think you said there was a position</p> <p>12 requisition form?</p> <p>13 A. Uh-huh (positive response).</p> <p>14 Q. So you have to fill that out and give</p> <p>15 it to leadership?</p> <p>16 A. Uh-huh (positive response).</p> <p>17 Q. Okay. Do you know where those forms</p> <p>18 are kept or stored?</p> <p>19 A. I do not.</p> <p>20 Q. And so if Susan Phillips or Dave</p> <p>21 Sloneker were looking for an associate broker,</p> <p>22 those forms should be somewhere at CRC?</p> <p>23 MS. BARLOTTA: Object to form.</p>
<p style="text-align: right;">Page 126</p> <p>1 Susan Phillips or two senior brokers had asked</p> <p>2 for Kat on their team?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Like Rusty Hughes or Mr. Cadden?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. No.</p> <p>7 Q. Is there any documentation or like</p> <p>8 Dashboard information or Workday information that</p> <p>9 would show when either Susan Phillips or Dave</p> <p>10 Sloneker needed an associate broker?</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. When does a team qualify for an</p> <p>13 additional associate broker?</p> <p>14 A. We got a -- I don't know what the</p> <p>15 term is. It's kind of like an algorithm or Excel</p> <p>16 spreadsheet that when someone thinks they might</p> <p>17 be interested in hiring a new team member, that</p> <p>18 document, they basically say, Hey, we want to put</p> <p>19 out this position requisition form, and we're</p> <p>20 looking for an account executive or whatever the</p> <p>21 position is at X, and we're thinking X amount of</p> <p>22 base salary range.</p> <p>23 And we send that to leadership. Then</p>	<p style="text-align: right;">Page 128</p> <p>1 A. I don't know the answer to that.</p> <p>2 Q. Okay. Did you follow that process</p> <p>3 when you needed an associate broker?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 A. The position requisition?</p> <p>6 Q. Yes.</p> <p>7 A. I didn't hire an associate broker.</p> <p>8 Q. Is Clay Segrest an associate broker?</p> <p>9 A. Oh, you're talking about Clay. Yes,</p> <p>10 when Clay was hired, I don't think at that time</p> <p>11 we even -- that was 2009. I don't recall a</p> <p>12 position requisition form. Clay came to us as a</p> <p>13 referral.</p> <p>14 Q. Did you reach out to anyone else to</p> <p>15 hire as an associate broker when you hired Clay?</p> <p>16 A. I did not.</p> <p>17 Q. Did you post a vacancy at that time?</p> <p>18 A. I did not.</p> <p>19 Q. Is that standard to not post a</p> <p>20 vacancy?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 A. I don't know. At that time it really</p> <p>23 wasn't a vacancy. It was a new position.</p>

<p>Page 129</p> <p>1 Q. Okay. Are you -- did you have access 2 to Clay Segrest's application for employment? 3 <b>A. I do not recall. I wasn't the team 4 lead, the team broker lead at that time.</b> 5 Q. You weren't? 6 <b>A. I was not.</b> 7 Q. Who was? 8 <b>A. Betsy Barnett.</b> 9 Q. Let me show you Plaintiff's Exhibit 10 Number 8. 11 (Whereupon, Plaintiff's <b>Exhibit No. 8</b> 12 was marked for identification and a copy of same 13 is attached hereto.) 14 MS. GILL: We'll need to redact this 15 before it goes into the transcript. I'm reading 16 it. Sorry. 17 Q. (BY MS. GILL:) What position did 18 Clay apply for? 19 <b>A. This says here broker assistant.</b> 20 Q. So this was before you broke off from 21 Betsy? 22 <b>A. It is.</b> 23 Q. But Clay was hired for associate</p>	<p>Page 131</p> <p>1 <b>A. Inside brokers really don't travel 2 that often. There's no expectation. They can, 3 they could, but there's no expectation.</b> 4 Q. On his application he mentions he 5 heard about the company through a family friend. 6 Does he have a friend that worked there that got 7 him the job? 8 MS. BARLOTTA: Object to form. 9 <b>A. He does not.</b> 10 Q. If you'll look at the second page of 11 that document, do you see the offer of 12 employment? 13 <b>A. I do see that.</b> 14 Q. Do you see what position he was 15 offered? 16 <b>A. Yeah, yeah. Associate broker.</b> 17 Q. So he got the associate broker off 18 the bat when he came in? 19 MS. BARLOTTA: Object to form. 20 <b>A. According to this, yes.</b> 21 Q. Are the qualifications for an 22 associate broker different than a broker's 23 assistant?</p>
<p>Page 130</p> <p>1 broker? 2 MS. BARLOTTA: Object to form. 3 Q. At that time? 4 <b>A. Broker assistant it shows here.</b> 5 Q. Right. But, I mean, I'm asking what 6 position he was put into when he was hired. 7 MS. BARLOTTA: Object to form. 8 <b>A. Broker assistant.</b> 9 Q. Okay. When did he receive a 10 promotion? 11 MS. BARLOTTA: Object to form. 12 <b>A. I don't recall.</b> 13 Q. Would his personnel file reflect when 14 he got his promotion? 15 MS. BARLOTTA: Object to form. 16 <b>A. I don't know.</b> 17 Q. What percent of the time do brokers 18 travel? 19 <b>A. There's no definitive answer to it. 20 It just depends on their own. There's no 21 requirement.</b> 22 Q. Is it different from an associate 23 broker or an inside broker?</p>	<p>Page 132</p> <p>1 MS. BARLOTTA: Object to form. 2 <b>A. There really are no specific 3 qualifications for an associate broker. Clay was 4 hired -- when we hired Clay, Clay came in what we 5 referred to back then as a BIT, broker in 6 training. Clay had zero insurance experience. 7 He was hired in 2009 and started out --</b> 8 Q. When you say -- 9 <b>A. Go ahead.</b> 10 Q. Go ahead. 11 <b>A. No, you go ahead.</b> 12 Q. When you say a BIT, broker in 13 training, like B-I-T? 14 <b>A. B-I-T.</b> 15 Q. Is that initials for something? 16 <b>A. Just acronym for broker in training.</b> 17 Q. And are there any qualifications for 18 inside broker? 19 <b>A. No, not any formal qualifications in 20 terms of training. It's really -- you know, when 21 someone is hired, it's on-the-job experience. 22 It's time in the trenches. It's, like I said, a 23 marathon versus a sprint. Lots of hours spent</b></p>

<p style="text-align: right;">Page 133</p> <p>1 reviewing coverage forms, given different</p> <p>2 scenarios and circumstances around claims, policy</p> <p>3 wording.</p> <p>4 Q. And the same question for account</p> <p>5 executive: Are there any qualifications for</p> <p>6 that?</p> <p>7 A. It's the same.</p> <p>8 Q. So would it be fair to say that for</p> <p>9 all the positions offered on your team, it's</p> <p>10 training -- on-the-job training?</p> <p>11 A. Yeah.</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 A. For the most part.</p> <p>14 Q. A minute ago you were talking about</p> <p>15 different agencies that were assigned to Kat</p> <p>16 Hendrix. How did you determine which agencies</p> <p>17 were assigned to her?</p> <p>18 A. I mean, a lot of it was -- you know,</p> <p>19 when someone new is brought onto a team,</p> <p>20 typically that person -- you know, we're not</p> <p>21 going to take existing retailers that a</p> <p>22 particular person might have been servicing for</p> <p>23 years and years and years and have personal</p>	<p style="text-align: right;">Page 135</p> <p>1 Q. What other inside brokers performed</p> <p>2 administrative tasks?</p> <p>3 A. I didn't have another inside broker</p> <p>4 on my team.</p> <p>5 Q. Do you know if they did on other</p> <p>6 teams?</p> <p>7 A. Yes.</p> <p>8 Q. I mean they were assigned</p> <p>9 administrative tasks on other teams?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. What position is responsible</p> <p>12 for quoting policies?</p> <p>13 A. For sending out the quote? Account</p> <p>14 executive.</p> <p>15 Q. And what position is responsible to</p> <p>16 bind policies?</p> <p>17 A. To actual issue the binder of</p> <p>18 insurance, account executives. But as I've said</p> <p>19 before, that's something that every single</p> <p>20 position in the firm in our department does in</p> <p>21 some capacity.</p> <p>22 Q. But you can delegate it to your</p> <p>23 account executive?</p>
<p style="text-align: right;">Page 134</p> <p>1 relationships and disrupt that unless there's a</p> <p>2 need.</p> <p>3 So, typically, when someone new is</p> <p>4 hired, that person picks up new clients. You</p> <p>5 know, as we go out and visit and see new clients</p> <p>6 and new retailers start to submit business to us,</p> <p>7 those are assigned to usually the newest person</p> <p>8 on the team.</p> <p>9 Q. How would you determine that with the</p> <p>10 executive -- I'm losing a position in my mind --</p> <p>11 account executive?</p> <p>12 A. Same way.</p> <p>13 Q. Okay. So like the different</p> <p>14 secretarial or administrative tasks that Kat was</p> <p>15 complaining she was doing, she was doing those</p> <p>16 because she was newer on the team?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. At that time, she was an account</p> <p>19 executive, yeah.</p> <p>20 Q. But she continued to do those when</p> <p>21 she became inside broker?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. Some, yes.</p>	<p style="text-align: right;">Page 136</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. Sure.</p> <p>3 Q. Is there a difference in pay between</p> <p>4 account executive and inside broker?</p> <p>5 A. Not necessarily.</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 Q. Are there any agency breakouts</p> <p>8 showing assignments on other teams?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. Would Clay Segrest bind or quote</p> <p>12 policies?</p> <p>13 A. Yes.</p> <p>14 Q. Is there a certain procedure or</p> <p>15 policy that applies to requesting a transfer to a</p> <p>16 different department?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. How are transfers determined?</p> <p>20 A. I think the person that's wanting to</p> <p>21 be transferred has to communicate that to someone</p> <p>22 and request it.</p> <p>23 Q. Do you ever involuntarily transfer</p>

<p style="text-align: right;">Page 137</p> <p>1 somebody from a department?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. Repeat the question, please.</b></p> <p>4 Q. Do you ever involuntarily transfer</p> <p>5 someone from the department?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 <b>A. I have not.</b></p> <p>8 Q. For example, if someone is not</p> <p>9 getting along with somebody, say they don't need</p> <p>10 to be working with this person, we're going to</p> <p>11 transfer you to a different department?</p> <p>12 <b>A. I have not.</b></p> <p>13 Q. Do you have -- my understanding is</p> <p>14 Kathryn Hendrix requested a transfer. Do you</p> <p>15 know why she was not transferred?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I was never made aware that she had</b></p> <p>18 <b>requested a transfer.</b></p> <p>19 Q. Did you ever discuss transferring</p> <p>20 Kathryn Hendrix with Mr. Helveston?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. I did not.</b></p> <p>23 Q. I'm sorry. A lot of this is</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. How do you know the person viewing</p> <p>2 the module and the person clicking that it's done</p> <p>3 is the same person?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. I don't know the answer to that.</b></p> <p>6 Q. Is there any in-person training on</p> <p>7 discrimination?</p> <p>8 MS. BARLOTTA: Object to the form.</p> <p>9 <b>A. Not that I'm aware of.</b></p> <p>10 Q. Are there any disciplinary policies</p> <p>11 related to administering discipline on people who</p> <p>12 are complained about?</p> <p>13 <b>A. Not that I'm aware.</b></p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. Not that I'm aware of.</b></p> <p>16 Q. Do you know whether Clay Segrest was</p> <p>17 ever disciplined in any way relating to Kathryn</p> <p>18 Hendrix's complaint that he was treating her like</p> <p>19 a secretary?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. Not that I'm aware of.</b></p> <p>22 Q. Are you aware of whether Jonathan</p> <p>23 Morgan was disciplined for misrepresenting his</p>
<p style="text-align: right;">Page 138</p> <p>1 repetitive, so I'm going through it so I don't</p> <p>2 ask you twice.</p> <p>3 <b>A. No problem.</b></p> <p>4 MS. PALMER: What you really want is</p> <p>5 for her to just mark out a whole page.</p> <p>6 MS. GILL: I'm working on it.</p> <p>7 THE WITNESS: Put a big X across all</p> <p>8 of it.</p> <p>9 Q. (BY MS. GILL:) Did Birmingham office</p> <p>10 of CRC maintain the postings of positions that</p> <p>11 were vacant?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 <b>A. I've never seen any. I don't -- I</b></p> <p>14 <b>couldn't speak to that definitively. I don't</b></p> <p>15 <b>know.</b></p> <p>16 Q. Okay. We talked about the training</p> <p>17 and how it was a computer -- computerized</p> <p>18 training. Was it simply where you just do a</p> <p>19 module and then click on it when you're done and</p> <p>20 then move to the next one and click on it when</p> <p>21 you're done?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. Uh-huh (positive response).</b></p>	<p style="text-align: right;">Page 140</p> <p>1 heading in the e-mails?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. Not that I'm aware of.</b></p> <p>4 Q. Are you aware of whether Clay Segrest</p> <p>5 was disciplined for omitting Kat Hendrix from his</p> <p>6 out-of-office notice?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. Not that I'm aware of.</b></p> <p>9 Q. Did you receive any training on how</p> <p>10 or -- whether computerized, written, or anything,</p> <p>11 on how to respond to complaints of EEOC charges</p> <p>12 of discrimination?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. Not that I recall.</b></p> <p>15 Q. Were you required to assist in the</p> <p>16 response to Kat Hendrix's EEOC charge?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. I was not.</b></p> <p>19 Q. I only have two of these. I'll let</p> <p>20 you look at it. I'm sorry.</p> <p>21 (Whereupon, Plaintiff's <b>Exhibit No. 9</b></p> <p>22 was marked for identification and a copy of same</p> <p>23 is attached hereto.)</p>

<p style="text-align: right;">Page 141</p> <p>1 Q. Are you familiar with this document?</p> <p>2 <b>A. I am.</b></p> <p>3 Q. What is this document?</p> <p>4 <b>A. It was my response, I guess, once I</b></p> <p>5 <b>was made aware of the EEOC charge.</b></p> <p>6 Q. Okay.</p> <p>7 <b>A. I just sat down and put some things</b></p> <p>8 <b>together myself so that we would have them.</b></p> <p>9 Q. What was -- do you have a date that</p> <p>10 you prepared this? I don't see it.</p> <p>11 <b>A. I don't. I don't know. I mean,</b></p> <p>12 <b>based on that third page -- well, I don't know</b></p> <p>13 <b>the answer to that. I just see where Stefani</b></p> <p>14 <b>Petty, November 22nd, 2019, told me that Kat had</b></p> <p>15 <b>resigned effective today and filed an EEOC</b></p> <p>16 <b>charge. So that looks like that was the date</b></p> <p>17 <b>that I was made aware of the EEOC charge.</b></p> <p>18 Q. Okay. I see. Is that Exhibit Number</p> <p>19 9 all of the notes that you prepared?</p> <p>20 <b>A. I don't recall.</b></p> <p>21 Q. If you look at the third page, it</p> <p>22 looks like there's some typewritten -- there's a</p> <p>23 typewritten word that says "redacted." Were</p>	<p style="text-align: right;">Page 143</p> <p>1 Hendrix?</p> <p>2 <b>A. I did not personally.</b></p> <p>3 Q. Do you know if Kathryn Hendrix held</p> <p>4 any other positions at CRC?</p> <p>5 <b>A. She did. We talked about it earlier.</b></p> <p>6 <b>She was in our audit department, yeah.</b></p> <p>7 Q. Okay. So would it be fair to say she</p> <p>8 was in the audit department, and then she became</p> <p>9 account executive and then inside broker?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Are you aware of any other positions?</p> <p>13 <b>A. None that I'm aware of.</b></p> <p>14 Q. Are you aware of any discipline</p> <p>15 received by Kat?</p> <p>16 <b>A. Not that I'm aware of.</b></p> <p>17 Q. How did you determine Kat's base</p> <p>18 salary?</p> <p>19 <b>A. When we put the position requisition</b></p> <p>20 <b>form out, we had a -- we would have had a salary</b></p> <p>21 <b>range that would have been approved, and that was</b></p> <p>22 <b>what we offered her when we approached her about</b></p> <p>23 <b>taking the position, accepting the position.</b></p>
<p style="text-align: right;">Page 142</p> <p>1 there additional notes?</p> <p>2 <b>A. I don't know. I don't remember.</b></p> <p>3 Q. Okay. So --</p> <p>4 MS. BARLOTTA: There are additional</p> <p>5 notes. We've withheld them as privileged. As a</p> <p>6 point of compromise, we produced these because</p> <p>7 y'all were very interested in them, but the rest</p> <p>8 of the notes have involved attorney/client</p> <p>9 conversations, so --</p> <p>10 MS. GILL: That's fine. I just</p> <p>11 wanted it to be clear on the record.</p> <p>12 <b>A. Yeah, my bad.</b></p> <p>13 Q. (BY MS. GILL:) Okay. Do you know</p> <p>14 the plaintiff's -- do you know Kathryn Hendrix's</p> <p>15 dates of employment?</p> <p>16 <b>A. She joined our team July 2014 -- no.</b></p> <p>17 <b>Yeah, July 2014, I believe.</b></p> <p>18 Q. Do you remember when she left?</p> <p>19 <b>A. July 2019.</b></p> <p>20 Q. Do you know the reason she left?</p> <p>21 <b>A. She filed FMLA.</b></p> <p>22 Q. Did -- when she came on your team,</p> <p>23 did you perform a background check on Kathryn</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. And that's for the account executive?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Okay. Did you go through the same</p> <p>4 process when she became an inside broker?</p> <p>5 <b>A. No. There was no position</b></p> <p>6 <b>requisition form necessary at that point.</b></p> <p>7 Q. How did you determine what her salary</p> <p>8 was going to be at that point?</p> <p>9 <b>A. I just bumped it from sixty to</b></p> <p>10 <b>sixty-five thousand.</b></p> <p>11 Q. How was Kat Hendrix's bonuses</p> <p>12 calculated?</p> <p>13 <b>A. We've talked about that, but that's a</b></p> <p>14 <b>decision that's made by the brokers. If you look</b></p> <p>15 <b>at the bonus document, CRC allocates two percent</b></p> <p>16 <b>for bonuses to the entire team, two percent of</b></p> <p>17 <b>revenue. And then it's the broker's discretion</b></p> <p>18 <b>on how much he or she wants to come out of their</b></p> <p>19 <b>pocket above and beyond that two percent.</b></p> <p>20 <b>And the things that are taken into</b></p> <p>21 <b>consideration by me personally are tenure at the</b></p> <p>22 <b>firm, experience, how long you've been in the</b></p> <p>23 <b>insurance production side.</b></p>



<p>Page 145</p> <p>1 Q. And now that you say it, I remember</p> <p>2 we did talk about that earlier.</p> <p>3 <b>A. No problem.</b></p> <p>4 Q. Okay. What benefits was Kat Hendrix</p> <p>5 entitled to?</p> <p>6 <b>A. That would be a question for HR.</b></p> <p>7 Q. Okay. Did you -- is Kat Hendrix</p> <p>8 eligible for rehire?</p> <p>9 <b>A. I don't know the answer to that</b></p> <p>10 <b>question. That would be a HR question.</b></p> <p>11 Q. HR? Okay. If she is eligible, would</p> <p>12 you consider her for an associate broker</p> <p>13 position?</p> <p>14 <b>A. I don't know the answer to that.</b></p> <p>15 Q. Okay. And just so I understand your</p> <p>16 prior testimony correctly, the inside broker is</p> <p>17 not required to travel, but they can?</p> <p>18 <b>A. Yeah.</b></p> <p>19 Q. And so they're not required to drum</p> <p>20 up new business or are they?</p> <p>21 <b>A. They're not.</b></p> <p>22 Q. Okay. Do you know whether there's a</p> <p>23 job description for an account executive?</p>	<p>Page 147</p> <p>1 <b>A. I was not.</b></p> <p>2 Q. Okay. Did you give this to Kathryn</p> <p>3 Hendrix?</p> <p>4 <b>A. HR would have given it to her as part</b></p> <p>5 <b>of her --</b></p> <p>6 Q. So would questions relating to this</p> <p>7 agreement be better suited for HR?</p> <p>8 <b>A. Probably so, yes.</b></p> <p>9 Q. Do you know if all of your brokers</p> <p>10 were given an employment agreement?</p> <p>11 <b>A. I can't speak definitively for every</b></p> <p>12 <b>single broker, but it's a standard document in</b></p> <p>13 <b>our industry and in our firm that any</b></p> <p>14 <b>production-based role is required to sign a</b></p> <p>15 <b>noncompete agreement. I'm not aware of any</b></p> <p>16 <b>broker who has not signed this document.</b></p> <p>17 Q. Okay. It looks like these are mostly</p> <p>18 HR anyway.</p> <p>19 This is Number 11.</p> <p>20 (Whereupon, Plaintiff's Exhibit No.</p> <p>21 11 was marked for identification and a copy of</p> <p>22 same is attached hereto.)</p> <p>23 <b>A. Okay.</b></p>
<p>Page 146</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. I've not seen it. There should be,</b></p> <p>3 <b>but I've not seen it.</b></p> <p>4 Q. Is that a question for HR?</p> <p>5 <b>A. That would be a question for HR, job</b></p> <p>6 <b>description documents.</b></p> <p>7 Q. Does Workday contain the job</p> <p>8 description?</p> <p>9 <b>A. I don't know the answer to that.</b></p> <p>10 Q. Let me show you Plaintiff's Exhibit</p> <p>11 10.</p> <p>12 (Whereupon, Plaintiff's Exhibit No.</p> <p>13 10 was marked for identification and a copy of</p> <p>14 same is attached hereto.)</p> <p>15 <b>A. Okay.</b></p> <p>16 Q. There you go.</p> <p>17 <b>A. Thank you.</b></p> <p>18 Q. Have you seen this document?</p> <p>19 <b>A. I have.</b></p> <p>20 Q. Were you involved in preparing this</p> <p>21 document?</p> <p>22 <b>A. In 2017?</b></p> <p>23 Q. Yes.</p>	<p>Page 148</p> <p>1 Q. Have you seen this document?</p> <p>2 <b>A. I have.</b></p> <p>3 Q. What is this document?</p> <p>4 <b>A. This is -- it's a marketing piece</b></p> <p>5 <b>that we put together. Individual teams put these</b></p> <p>6 <b>together to send them out to -- when we go and</b></p> <p>7 <b>visit clients or talk to clients over the phone,</b></p> <p>8 <b>we can e-mail this document to them that shows</b></p> <p>9 <b>them what classes of business we specialize in,</b></p> <p>10 <b>what classes of business we place, information</b></p> <p>11 <b>about our in-house programs, and then contact</b></p> <p>12 <b>information for our specific team.</b></p> <p>13 Q. Okay. And I think you said each of</p> <p>14 the teams have one of these?</p> <p>15 <b>A. I mean, it's something that we used</b></p> <p>16 <b>often. I mean, every team -- this is not</b></p> <p>17 <b>something that's required of every team to do.</b></p> <p>18 <b>It was something that we put together for our</b></p> <p>19 <b>specific team to try and effectively and</b></p> <p>20 <b>efficiently market to our clients.</b></p> <p>21 Q. Is it kept in Workday or is it --</p> <p>22 <b>A. No.</b></p> <p>23 Q. Just on somebody's computer?</p>

<p>Page 149</p> <p>1 <b>A. Yeah.</b></p> <p>2 Q. This is Plaintiff's Exhibit Number</p> <p>3 12.</p> <p>4 (Whereupon, Plaintiff's Exhibit No.</p> <p>5 12 was marked for identification and a copy of</p> <p>6 same is attached hereto.)</p> <p>7 <b>A. Thank you.</b></p> <p>8 Q. I want to direct your attention to</p> <p>9 the affirmative defenses section, which looks</p> <p>10 like it's Page 9 of 18.</p> <p>11 <b>A. Okay.</b></p> <p>12 Q. I'm going to direct you --</p> <p>13 MS. BARLOTTA: He's not designated on</p> <p>14 this, but you can ask him questions as a fact</p> <p>15 witness.</p> <p>16 MS. GILL: Oh, he's not? Is there a</p> <p>17 separate person that's going to be designated?</p> <p>18 MS. BARLOTTA: Ms. Petty.</p> <p>19 MS. GILL: Ms. Petty? Okay.</p> <p>20 Q. (BY MS. GILL:) Never mind then on</p> <p>21 those questions.</p> <p>22 <b>A. All right.</b></p> <p>23 Q. Were you responsible for locating</p>	<p>Page 151</p> <p>1 <b>was me. Outside of that, no.</b></p> <p>2 Q. Did you search any mailbox other than</p> <p>3 Ms. Hendrix's mailbox?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 Q. When you looked at e-mails?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 <b>A. I didn't. I didn't search Kathryn's</b></p> <p>8 <b>inbox.</b></p> <p>9 Q. Oh. Whose e-mails did you search</p> <p>10 through?</p> <p>11 <b>A. My own.</b></p> <p>12 Q. Okay. Did you perform any other</p> <p>13 searches for any other e-mails?</p> <p>14 <b>A. I did not.</b></p> <p>15 Q. Do you know where Ms. Hendrix's</p> <p>16 laptop computer is?</p> <p>17 <b>A. I do not.</b></p> <p>18 Q. Did you know that she returned it to</p> <p>19 CRC?</p> <p>20 <b>A. I did.</b></p> <p>21 Q. Okay. But you don't know where it</p> <p>22 went after it --</p> <p>23 <b>A. I do not.</b></p>
<p>Page 150</p> <p>1 documents responsive to our requests for</p> <p>2 production?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. I was not.</b></p> <p>5 Q. Do you know who was?</p> <p>6 <b>A. I do not.</b></p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 Q. Is this a question for Ms. Petty?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 Q. The HR?</p> <p>11 <b>A. I would think so. I wasn't involved</b></p> <p>12 <b>in document production.</b></p> <p>13 Q. Let me ask you this: Did you take</p> <p>14 any efforts to locate documents responsive to the</p> <p>15 requests for production?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I think I went back and searched a</b></p> <p>18 <b>couple of e-mails, but that was the extent of it.</b></p> <p>19 <b>Nothing else. And I, of course, produced the --</b></p> <p>20 <b>I wrote up the document that we looked at</b></p> <p>21 <b>earlier, Exhibit 9 --</b></p> <p>22 Q. The notes?</p> <p>23 <b>A. -- I guess. Yes, Exhibit 9. That</b></p>	<p>Page 152</p> <p>1 Q. Were you aware that Ms. Hendrix had</p> <p>2 retained an attorney?</p> <p>3 <b>A. I was not.</b></p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. Clearly at some point I was made</b></p> <p>6 <b>aware of it but did not know when.</b></p> <p>7 Q. Well, obviously, a lawsuit has been</p> <p>8 filed --</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. -- but before that?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Before her EEOC charge was filed?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. No.</b></p> <p>15 Q. Did anybody come to you and tell you,</p> <p>16 like Ms. Petty or anybody, tell you that you</p> <p>17 needed to preserve evidence?</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 <b>A. We received a preservation notice, I</b></p> <p>20 <b>guess once counsel was retained, that we had to</b></p> <p>21 <b>sign an affidavit.</b></p> <p>22 Q. Were you aware that Kat Hendrix</p> <p>23 requested a severance?</p>



<p>Page 153</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. Yes. I don't know at which point,</b></p> <p>3 <b>but I remember seeing that document.</b></p> <p>4 Q. And was there an investigation after</p> <p>5 she requested severance?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 <b>A. Not that I'm aware of. I think</b></p> <p>8 <b>that's a more appropriate question for HR.</b></p> <p>9 Q. Human resources?</p> <p>10 <b>A. Uh-huh (positive response).</b></p> <p>11 Q. Are all salaries the same across the</p> <p>12 board for associate brokers?</p> <p>13 <b>A. They are not.</b></p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 Q. I believe you mentioned there might</p> <p>16 be a range. Do you know what that range is for</p> <p>17 incoming associate brokers?</p> <p>18 <b>A. I do not. It depends on the team.</b></p> <p>19 Q. Is there a range for inside brokers?</p> <p>20 <b>A. There is not.</b></p> <p>21 Q. Is there a range for account</p> <p>22 executives?</p> <p>23 <b>A. There is not.</b></p>	<p>Page 155</p> <p>1 Q. Okay. What is a supplemental</p> <p>2 commission?</p> <p>3 <b>A. I don't know.</b></p> <p>4 Q. Do you know what an incentive</p> <p>5 commission is?</p> <p>6 <b>A. I do not -- well, I mean, incentive</b></p> <p>7 <b>commission, I mean, we as an organization and as</b></p> <p>8 <b>a firm have incentives with our insurance</b></p> <p>9 <b>companies and retail agencies that we do business</b></p> <p>10 <b>with, certain commission agreements with them.</b></p> <p>11 <b>But that's with retail clients and insurance</b></p> <p>12 <b>companies.</b></p> <p>13 Q. Okay. So they receive the bonus, the</p> <p>14 supplemental incentive or you do --</p> <p>15 MS. BARLOTTA: Object to the form.</p> <p>16 Q. -- from them?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. CRC would get it from insurance</b></p> <p>19 <b>companies.</b></p> <p>20 Q. I gotcha.</p> <p>21 <b>A. And then we would pass on any similar</b></p> <p>22 <b>type of incentive comp or commission to our</b></p> <p>23 <b>retail clients. But that is not done at the</b></p>
<p>Page 154</p> <p>1 Q. Are the bonuses, the semi-annual and</p> <p>2 annual bonus, are they considered part of the</p> <p>3 salary?</p> <p>4 <b>A. They are not.</b></p> <p>5 Q. I've heard something, either in a</p> <p>6 document or somewhere, about a contingent bonus.</p> <p>7 What is that?</p> <p>8 <b>A. I don't know what you're referring to</b></p> <p>9 <b>there.</b></p> <p>10 Q. Okay. Is there ever a situation</p> <p>11 where a bonus could be granted to someone not --</p> <p>12 separate and distinct from the semi-annual and</p> <p>13 the annual bonus?</p> <p>14 <b>A. Not that I'm aware of.</b></p> <p>15 Q. Are there any other bonuses provided</p> <p>16 to employees other than the semi-annual and the</p> <p>17 annual?</p> <p>18 <b>A. None that I'm aware of.</b></p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 Q. I guess that's semi-annual. I don't</p> <p>21 know why I'm saying semi-annual and annual.</p> <p>22 Twice a year?</p> <p>23 <b>A. Right. I'm with you.</b></p>	<p>Page 156</p> <p>1 <b>individual broker team level.</b></p> <p>2 Q. So members of the team don't receive</p> <p>3 portions --</p> <p>4 <b>A. No, absolutely not.</b></p> <p>5 Q. Are there goals or KPIs that are</p> <p>6 required to be achieved to receive a bonus?</p> <p>7 <b>A. No.</b></p> <p>8 Q. And I think you said once the bonuses</p> <p>9 are set, they're sent to Rusty Hughes, Cadden, or</p> <p>10 Helveston, but they don't have any discretion or</p> <p>11 authority to change it?</p> <p>12 <b>A. They've never exhibited any authority</b></p> <p>13 <b>or veto towards me personally.</b></p> <p>14 Q. Is there training on the products</p> <p>15 they're selling, the brokers?</p> <p>16 <b>A. There's no formal training. It's,</b></p> <p>17 <b>you know, just day-to-day reading policy forms.</b></p> <p>18 <b>When I started, you take a policy form home and</b></p> <p>19 <b>read it and highlight it and mark it up and over</b></p> <p>20 <b>and over and over again.</b></p> <p>21 Q. So it's kind of like what we talked</p> <p>22 about before, on-the-job training?</p> <p>23 <b>A. On-the-job training. A lot of</b></p>

<p style="text-align: right;">Page 157</p> <p>1 <b>self-motivated on-the-job training.</b></p> <p>2 Q. Who decided to change Kat from</p> <p>3 account executive to inside broker?</p> <p>4 <b>A. I made the decision.</b></p> <p>5 Q. Did you communicate this change in</p> <p>6 title to other employees of CRC and, if so, how</p> <p>7 did you do it?</p> <p>8 <b>A. Yeah, I would have had to have</b></p> <p>9 <b>discussed it with Rusty and probably John, but</b></p> <p>10 <b>for sure Rusty.</b></p> <p>11 Q. What about the other members of your</p> <p>12 team? Did you discuss it with them?</p> <p>13 <b>A. Yeah, after the fact. I mean, it was</b></p> <p>14 <b>not -- it was my decision, but --</b></p> <p>15 Q. Right.</p> <p>16 <b>A. -- we relayed that position -- that</b></p> <p>17 <b>decision was announced to the entire department.</b></p> <p>18 Q. Was it a verbal announcement or was</p> <p>19 it an e-mail that went out?</p> <p>20 <b>A. No. I sent out an e-mail.</b></p> <p>21 Q. Was -- when you notified -- when did</p> <p>22 you notify Kat Hendrix of her change in title?</p> <p>23 <b>A. I don't remember the exact date.</b></p>	<p style="text-align: right;">Page 159</p> <p>1 <b>A. That was a posted position, both</b></p> <p>2 <b>internally; and if I remember correctly, it was</b></p> <p>3 <b>also posted on LinkedIn. And Brandon was --</b></p> <p>4 <b>Brandon came across that position through</b></p> <p>5 <b>LinkedIn, if I remember correctly.</b></p> <p>6 Q. And I guess he just submitted a</p> <p>7 resume, and then it just went from there?</p> <p>8 <b>A. He knew Dave outside of the office,</b></p> <p>9 <b>and from what he's -- from what I remember him</b></p> <p>10 <b>telling us, he inquired from Dave that he had</b></p> <p>11 <b>seen a position that was open at CRC for an</b></p> <p>12 <b>associate broker and asked him if he could give</b></p> <p>13 <b>him some guidance on how to inquire about that</b></p> <p>14 <b>position and who might be looking to hire.</b></p> <p>15 <b>And Dave told him that it was</b></p> <p>16 <b>actually him, and Brandon applied for the</b></p> <p>17 <b>position.</b></p> <p>18 MS. PALMER: Side note: I went to</p> <p>19 law school with Brandon.</p> <p>20 THE WITNESS: Small world.</p> <p>21 MS. GILL: We've been going about an</p> <p>22 hour. Do y'all want to take a little bathroom</p> <p>23 break?</p>
<p style="text-align: right;">Page 158</p> <p>1 Q. Was that through an e-mail or was</p> <p>2 that a verbal conversation?</p> <p>3 <b>A. It would have been a verbal</b></p> <p>4 <b>conversation if I remember correctly.</b></p> <p>5 Q. Was she provided any kind of list or</p> <p>6 description of what her new and additional duties</p> <p>7 would be?</p> <p>8 <b>A. Not that I remember at that time, no.</b></p> <p>9 Q. How would she know what her job</p> <p>10 duties were?</p> <p>11 <b>A. I mean, we had talked about it</b></p> <p>12 <b>multiple times. I mean, she had been with us at</b></p> <p>13 <b>that point from 2014 to 2017. I mean, she could</b></p> <p>14 <b>have asked any question that she had. But --</b></p> <p>15 Q. So I guess it's, again, on-the-job</p> <p>16 training, like as issues arise?</p> <p>17 <b>A. Yep.</b></p> <p>18 Q. Who made the decision to hire Brandon</p> <p>19 Hayes as an associate broker?</p> <p>20 <b>A. That would have been Dave Sloneker.</b></p> <p>21 Q. Do you know how Dave Sloneker -- did</p> <p>22 he post the vacancy or did he find him by word of</p> <p>23 mouth?</p>	<p style="text-align: right;">Page 160</p> <p>1 MS. BARLOTTA: Sure.</p> <p>2 VIDEOGRAPHER: We'll go off the</p> <p>3 record at 2:06 p.m.</p> <p>4 (Whereupon, a brief recess was</p> <p>5 taken.)</p> <p>6 VIDEOGRAPHER: We are back on the</p> <p>7 record at 2:21 p.m.</p> <p>8 Q. (BY MS. GILL:) Do you know who made</p> <p>9 the decision to hire Jonathan Morgan?</p> <p>10 <b>A. He's on Truitt Taylor's team, so</b></p> <p>11 <b>Truitt Taylor would be my answer there, but</b></p> <p>12 <b>different team, so I wouldn't have any way of</b></p> <p>13 <b>really knowing with certainty.</b></p> <p>14 Q. Do you know who authorized Jonathan</p> <p>15 Morgan to put associate broker on the website?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I do not.</b></p> <p>18 Q. Do you know whether Jonathan Morgan</p> <p>19 was ever instructed to correct the incorrect</p> <p>20 information?</p> <p>21 MS. BARLOTTA: Object to the form.</p> <p>22 <b>A. I do not.</b></p> <p>23 Q. Do you know whether he was ever</p>

<p style="text-align: right;">Page 161</p> <p>1 disciplined for putting incorrect information on</p> <p>2 the website?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. I do not.</b></p> <p>5 Q. Has anyone -- well, would this be HR?</p> <p>6 Has anyone complained to you of unfair treatment</p> <p>7 by Clay, Corey, Rusty, John, or Ron?</p> <p>8 <b>A. No.</b></p> <p>9 Q. Did Sarah Dunston ever work in your</p> <p>10 department?</p> <p>11 <b>A. She did.</b></p> <p>12 Q. When did she work in your department?</p> <p>13 <b>A. I don't remember the dates.</b></p> <p>14 Q. Did Kristyn Smith ever work in your</p> <p>15 department?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. When did she work in your department?</p> <p>18 <b>A. I don't know the specific dates.</b></p> <p>19 Q. Do you know whether there were any</p> <p>20 sexual harassment complaints at CRC?</p> <p>21 <b>A. None that --</b></p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. None that I'm aware of.</b></p>	<p style="text-align: right;">Page 163</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. What action did CRC take after</p> <p>3 receiving the EEOC charge?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. That's a question for HR.</b></p> <p>6 Q. Okay. What actions did you take</p> <p>7 after the two lunch meetings or the two meetings</p> <p>8 with Kat where she complained she was being</p> <p>9 treated like a secretary?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. We sat down and revisited the -- as</b></p> <p>12 <b>we mentioned before, we revisited the agency</b></p> <p>13 <b>split and tried to take some of that</b></p> <p>14 <b>administrative work off of her that she was</b></p> <p>15 <b>complaining about and assigned Tiffany, Andrea,</b></p> <p>16 <b>and Yvette some of the agencies that she was</b></p> <p>17 <b>handling to do some of those things.</b></p> <p>18 Q. Did Kat ever tell you that she would</p> <p>19 not be having that conversation with you if she</p> <p>20 was wearing khakis and a golf shirt?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. No.</b></p> <p>23 Q. Did Rusty ever say to Kat in front of</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. Did Lauren Lindberg ever work in your</p> <p>2 department?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What were the dates of her working in</p> <p>5 your department?</p> <p>6 <b>A. I don't remember.</b></p> <p>7 Q. Did CRC take any action after</p> <p>8 receiving the letter from the attorney asking to</p> <p>9 preserve evidence?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. I don't know the extent of any</b></p> <p>12 <b>action, but I know that me personally, I was</b></p> <p>13 <b>asked to sign the preservation of documents</b></p> <p>14 <b>affidavit, I guess is how you would refer to it,</b></p> <p>15 <b>or maybe it was not even an affidavit. Maybe it</b></p> <p>16 <b>was I had to reply to an e-mail just attesting</b></p> <p>17 <b>that I would not destroy any documents.</b></p> <p>18 Q. What action, if any, did CRC take</p> <p>19 after receiving Ms. Hendrix's resignation letter?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. I don't know the answer to that.</b></p> <p>22 Q. Would that be a question for HR?</p> <p>23 MS. BARLOTTA: Object to form.</p>	<p style="text-align: right;">Page 164</p> <p>1 you that Susan Dunston said -- I'm sorry -- Sarah</p> <p>2 Dunston said males are being given more</p> <p>3 opportunities, and that's why she's leaving?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. Not that I'm aware of.</b></p> <p>6 Q. And did Rusty ever say in front of</p> <p>7 you to Kat that, you know, Do you feel the same</p> <p>8 way? We want to make sure you don't feel that</p> <p>9 way.</p> <p>10 <b>A. Not that I recall.</b></p> <p>11 Q. And did Kat say to Rusty in front of</p> <p>12 you that, Well, there's an issue there?</p> <p>13 <b>A. I don't remember that at all.</b></p> <p>14 Q. Did you ever refer any accounts to</p> <p>15 Clay Segrest?</p> <p>16 <b>A. Refer?</b></p> <p>17 Q. Yes.</p> <p>18 <b>A. No. I mean, there's accounts that</b></p> <p>19 <b>I've asked Clay to handle over the years. He's</b></p> <p>20 <b>been on my team. For whatever reason, Clay</b></p> <p>21 <b>specializes in cyber liability and has kind of</b></p> <p>22 <b>positioned himself in the professional liability</b></p> <p>23 <b>industry now as a cyber liability expert. So</b></p>

<p style="text-align: right;">Page 165</p> <p>1 oftentimes when we get cyber liability accounts</p> <p>2 in, I will pass them off to him or, you know,</p> <p>3 engage with him.</p> <p>4 Q. Did you ever refer or pass off</p> <p>5 accounts to Kat Hendrix?</p> <p>6 A. Yeah.</p> <p>7 Q. Can you name those accounts?</p> <p>8 A. I can't name them by name, but we had</p> <p>9 an agency in Columbus, Ohio that she handled that</p> <p>10 was an ambulance business, and she would take</p> <p>11 those accounts and run with them, market them,</p> <p>12 place them.</p> <p>13 Q. Did you ever take revenue-generating</p> <p>14 accounts from Kat?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 A. No. We reassigned business within</p> <p>17 the team, but it wasn't a revenue impacting.</p> <p>18 Q. Were lower level brokers handed</p> <p>19 business from brokers on a regular basis?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 A. What do you mean lower level brokers?</p> <p>22 What are you referring to?</p> <p>23 Q. Associate and inside versus broker.</p>	<p style="text-align: right;">Page 167</p> <p>1 about it internally was, I mean, every team</p> <p>2 within our department, I don't want to say pods</p> <p>3 or clusters, but we try -- I tried to keep our</p> <p>4 team together, because so much of what we do on a</p> <p>5 day-to-day basis is communicating throughout the</p> <p>6 day, pre-pandemic, of course.</p> <p>7 But everybody is in the office,</p> <p>8 you're communicating, and even though you might</p> <p>9 not be intimately involved in the exact</p> <p>10 conversation, you hear the conversation, the</p> <p>11 dialogue, the market speak. So we try to keep</p> <p>12 our teams together.</p> <p>13 And at the time that Kathryn was with</p> <p>14 us, I mean, we were busting out of the seams, and</p> <p>15 we were in the process of remodeling our office</p> <p>16 space, which we have since done. It's freed up a</p> <p>17 lot more offices. But at the time, it was --</p> <p>18 there was one office on the completely opposite</p> <p>19 side of the department that we talked about.</p> <p>20 And Rusty and I had told Kathryn that</p> <p>21 once the build-out was done, that she would get</p> <p>22 an office on the side of the building that we</p> <p>23 were in.</p>
<p style="text-align: right;">Page 166</p> <p>1 A. Inside brokers, yeah.</p> <p>2 Q. Okay.</p> <p>3 A. Renewals and new business.</p> <p>4 Q. Not just -- it was new business, too?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 A. Uh-huh (positive response), yes.</p> <p>7 Q. I know we talked about your not</p> <p>8 providing Kat Hendrix a list of her new duties.</p> <p>9 You just talked about it as it happened on the</p> <p>10 job.</p> <p>11 Did you ever discuss what her new</p> <p>12 duties were going to be with leadership?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 A. No. There was no need.</p> <p>15 Q. Did any other females on your team</p> <p>16 make comments to you about the amount of</p> <p>17 administrative work that Kat was doing?</p> <p>18 A. No.</p> <p>19 Q. Were brokers assigned to an office?</p> <p>20 A. Some, but not all.</p> <p>21 Q. How was it determined who got an</p> <p>22 office and who didn't?</p> <p>23 A. The way that I -- the way we talked</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. And was anyone else assigned to a</p> <p>2 cubicle on your team?</p> <p>3 A. Yeah.</p> <p>4 Q. Who was assigned to a cubicle?</p> <p>5 A. Andrea, Yvette, Tiffany.</p> <p>6 Q. So all the account executives?</p> <p>7 A. All the account executives. Kathryn</p> <p>8 sat in a cubicle next to Yvette that was also</p> <p>9 next to another cubicle that Brandon Hayes sat</p> <p>10 in.</p> <p>11 Q. Where do the new people sit?</p> <p>12 A. That we've hired since?</p> <p>13 Q. You said you had hired three new</p> <p>14 people since. Where do they sit?</p> <p>15 A. Cubicles.</p> <p>16 Q. But they're all account executives as</p> <p>17 well?</p> <p>18 A. Account executive and broker</p> <p>19 assistant.</p> <p>20 Q. Okay. The assistant broker didn't</p> <p>21 get an office once the remodel was done?</p> <p>22 A. I don't have an assistant broker.</p> <p>23 Q. Oh. Oh, assistant --</p>

<p style="text-align: right;">Page 169</p> <p>1 MS. PALMER: Broker assistant.</p> <p>2 Q. Broker assistant.</p> <p>3 <b>A. No, she's in a cube.</b></p> <p>4 Q. I can't keep all these positions</p> <p>5 straight.</p> <p>6 <b>A. She's in a cube.</b></p> <p>7 Q. How was it determined Tiffany</p> <p>8 received a better desk or better cubicle than Kat</p> <p>9 Hendrix?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. I don't understand the question. I</b></p> <p>12 <b>don't understand why --</b></p> <p>13 Q. Well, from what I understand -- and</p> <p>14 I'll show you Plaintiff's <b>Exhibit 13.</b></p> <p>15 (Whereupon, Plaintiff's Exhibit No.</p> <p>16 13 was marked for identification and a copy of</p> <p>17 same is attached hereto.)</p> <p>18 Q. Under Kat's desk or a portion of</p> <p>19 Kat's desk there was a bunch of wiring. Do you</p> <p>20 see that?</p> <p>21 <b>A. I do.</b></p> <p>22 Q. Does that accurately depict Kat's</p> <p>23 desk?</p>	<p style="text-align: right;">Page 171</p> <p>1 <b>A. They do not.</b></p> <p>2 Q. Do other offices have HR on-site?</p> <p>3 <b>A. I don't know the answer to that.</b></p> <p>4 Q. So I need to ask HR?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. Do you know what happened to</p> <p>7 any of Ms. Hendrix's personal items and documents</p> <p>8 contained in her desk after she was employed?</p> <p>9 <b>A. I do not.</b></p> <p>10 Q. Did Kat Hendrix ever tell you she</p> <p>11 wanted to be an associate broker?</p> <p>12 <b>A. I remember Kat and I having</b></p> <p>13 <b>conversations about that and about the travel</b></p> <p>14 <b>piece of it. And I always remembered her showing</b></p> <p>15 <b>interest in an inside broker role.</b></p> <p>16 Q. What efforts were taken to preserve</p> <p>17 and recover evidence on your cellphone as it</p> <p>18 relates to this case and any communications you</p> <p>19 may have had with Ms. Hendrix?</p> <p>20 MS. BARLOTTA: Object to form.</p> <p>21 <b>A. I don't know the answer to that.</b></p> <p>22 Q. Did you take any efforts to preserve</p> <p>23 it?</p>
<p style="text-align: right;">Page 170</p> <p>1 <b>A. Yeah.</b></p> <p>2 Q. And, I guess, why was Kat assigned to</p> <p>3 this desk versus Tiffany, who was newer?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. It was the closest space to us at the</b></p> <p>6 <b>time.</b></p> <p>7 Q. In other teams do inside brokers have</p> <p>8 an office?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. Not all at the time. I mean, Brandon</b></p> <p>11 <b>Hayes, I just mentioned Brandon Hayes was either</b></p> <p>12 <b>an inside broker or associate broker, and he sat</b></p> <p>13 <b>in a cube next to Kat.</b></p> <p>14 Q. Does he have an office now?</p> <p>15 <b>A. He does now. But we've since -- as a</b></p> <p>16 <b>department, we since have two new -- not two new,</b></p> <p>17 <b>but two other inside brokers, two female inside</b></p> <p>18 <b>brokers that don't have offices. They're in a</b></p> <p>19 <b>cube.</b></p> <p>20 Q. Was Kat's new position of inside</p> <p>21 broker ever listed on the website?</p> <p>22 <b>A. I don't know.</b></p> <p>23 Q. Does CRC Birmingham have HR on-site?</p>	<p style="text-align: right;">Page 172</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. No. I didn't delete anything.</b></p> <p>3 Q. Okay. That's an effort.</p> <p>4 <b>A. Right.</b></p> <p>5 Q. Did you take any steps to notify</p> <p>6 other people in your department to preserve their</p> <p>7 data on their cellphones?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 <b>A. I did not.</b></p> <p>10 MS. GILL: Can we talk a moment or</p> <p>11 can we go off the record so that my co-counsel</p> <p>12 and I can talk a moment? I think we're almost</p> <p>13 done. I just want to make sure we're done.</p> <p>14 VIDEOGRAPHER: We'll go off the</p> <p>15 record at 2:42 p.m.</p> <p>16 (Whereupon, a brief recess was</p> <p>17 taken.)</p> <p>18 VIDEOGRAPHER: We are back on the</p> <p>19 record at 2:59.</p> <p>20 Q. (BY MS. GILL:) Does Lauren still</p> <p>21 work at CRC?</p> <p>22 <b>A. Lauren?</b></p> <p>23 Q. Lindberg?</p>

<p>Page 173</p> <p>1 <b>A. She does not.</b></p> <p>2 Q. And does Brandon Hayes still work</p> <p>3 there?</p> <p>4 <b>A. He does not.</b></p> <p>5 Q. So does he have an office there? I</p> <p>6 think we were talking about an office.</p> <p>7 <b>A. No. He sat in a cube next to -- he</b></p> <p>8 <b>was a broker, but he sat in a cube next to</b></p> <p>9 <b>Kathryn.</b></p> <p>10 Q. Let me show you what I'm marking as</p> <p>11 Plaintiff's <b>Exhibit 14.</b></p> <p>12 (Whereupon, Plaintiff's Exhibit No.</p> <p>13 14 was marked for identification and a copy of</p> <p>14 same is attached hereto.)</p> <p>15 Q. Did you meet with John Cadden,</p> <p>16 Stefani Petty, and Rusty?</p> <p>17 <b>A. Yeah, we had a call with them. I</b></p> <p>18 <b>mean, we had a call with Stefani, the three of</b></p> <p>19 <b>us.</b></p> <p>20 Q. Okay. So you, Rusty, and John were</p> <p>21 in one office, and y'all called Stefani Petty?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And it was about -- was it about</p>	<p>Page 175</p> <p>1 MS. GILL: I think I get to ask what</p> <p>2 he talked about during that conversation.</p> <p>3 MS. BARLOTTA: Not if it was at the</p> <p>4 direction of counsel, and it's also covered by</p> <p>5 the anticipation of litigation privilege, because</p> <p>6 she's clearly filed her charge at this time.</p> <p>7 Stefani Petty is going to testify</p> <p>8 that she was involved in preparing the response</p> <p>9 to this charge, so this conversation most</p> <p>10 certainly was going to be at the direction of</p> <p>11 legal counsel for purposes of responding to the</p> <p>12 charge.</p> <p>13 MS. GILL: Okay. So on the record,</p> <p>14 are you instructing him not to answer?</p> <p>15 MS. BARLOTTA: Yes.</p> <p>16 MS. GILL: Our position on this whole</p> <p>17 issue is that what happened in that meeting could</p> <p>18 go towards the affirmative defenses, and that --</p> <p>19 because their conduct in their investigation come</p> <p>20 into play, and that work product would not be an</p> <p>21 issue if you're using it as an affirmative</p> <p>22 defense.</p> <p>23 MS. BARLOTTA: I don't know that</p>
<p>Page 174</p> <p>1 Kathryn Hendrix?</p> <p>2 <b>A. It would have been, yes.</b></p> <p>3 Q. And what did y'all talk about?</p> <p>4 MS. BARLOTTA: I'm going to object,</p> <p>5 because I think that's covered by privilege.</p> <p>6 Because this was after the EEOC charge was filed,</p> <p>7 so that would have been at the direction of legal</p> <p>8 counsel in response to -- in preparing a response</p> <p>9 to her charge.</p> <p>10 Q. Let me ask you this: Was legal</p> <p>11 counsel invited to that meeting?</p> <p>12 MS. BARLOTTA: If you know.</p> <p>13 <b>A. I don't know the answer to that.</b></p> <p>14 Q. Was legal counsel a participant</p> <p>15 during that meeting?</p> <p>16 <b>A. I don't recall.</b></p> <p>17 Q. Do you remember you, Rusty, and John</p> <p>18 in one room calling Stefani Petty?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You don't remember any lawyer being</p> <p>21 involved in that conversation?</p> <p>22 <b>A. I do not.</b></p> <p>23 MS. BARLOTTA: Object to form.</p>	<p>Page 176</p> <p>1 we're using anything that happened in that</p> <p>2 conversation as part of an affirmative defense.</p> <p>3 But, I mean, I just -- I don't think that you get</p> <p>4 to, you know -- I've never heard of an allowance</p> <p>5 for once a charge is filed, that -- and it's</p> <p>6 being handled by legal counsel, which this was by</p> <p>7 the legal department, that you get to ask the</p> <p>8 company about what discussions there were about</p> <p>9 the charge in preparation of the response. I</p> <p>10 don't see how that's not privileged.</p> <p>11 MS. GILL: I think if the attorney is</p> <p>12 involved, it's privileged, but I think if you're</p> <p>13 responding to an EEOC charge and the attorney is</p> <p>14 not involved --</p> <p>15 MS. BARLOTTA: Well, you're talking</p> <p>16 about attorney/client communication privilege,</p> <p>17 which is different from anticipation of</p> <p>18 litigation work product privilege. So those are</p> <p>19 two separate privileges.</p> <p>20 MS. GILL: I guess our position is</p> <p>21 that because the attorney is not involved in this</p> <p>22 meeting, that it would be your burden to show</p> <p>23 that it is work product privilege and that it is</p>



<p style="text-align: right;">Page 177</p> <p>1 your burden to file a protective order on this</p> <p>2 issue.</p> <p>3 MS. BARLOTTA: Okay. Well, we can do</p> <p>4 that.</p> <p>5 MS. GILL: I guess we would just ask</p> <p>6 that the --</p> <p>7 MS. BARLOTTA: He's not designated to</p> <p>8 talk about the response to the charge anyway. So</p> <p>9 he's just testifying as a fact witness, and all</p> <p>10 these questions pertain to his fact deposition</p> <p>11 testimony.</p> <p>12 MS. GILL: Well, part of the 30(b)(6)</p> <p>13 deposition notice talked about affirmative</p> <p>14 defenses.</p> <p>15 MS. BARLOTTA: And I already said he</p> <p>16 wasn't designated on that, and he's not</p> <p>17 designated on anything pertaining to the response</p> <p>18 to the EEOC charge.</p> <p>19 MS. GILL: We would just reserve the</p> <p>20 right to reopen the deposition based on the</p> <p>21 outcome of this, and also in the event some of</p> <p>22 the documents I'm about to ask about are</p> <p>23 produced, that we can go over those documents as</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. I'm showing you what I've marked as</p> <p>2 Plaintiff's Exhibit -- did you get into why Ms.</p> <p>3 Hendrix had a breakdown at a later point in time?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Okay. I'm going to show you what</p> <p>6 I've marked as Plaintiff's <b>Exhibit Number 15.</b></p> <p>7 (Whereupon, Plaintiff's Exhibit No.</p> <p>8 15 was marked for identification and a copy of</p> <p>9 same is attached hereto.)</p> <p>10 Q. Did I give that to you? I did not.</p> <p>11 Sorry.</p> <p>12 <b>A. Okay.</b></p> <p>13 Q. Do you know what that document is?</p> <p>14 <b>A. Yep.</b></p> <p>15 Q. Can you tell us what that document</p> <p>16 is?</p> <p>17 <b>A. Yeah. It looks like an e-mail from</b></p> <p>18 <b>George Bennett, what day was that, August 1st,</b></p> <p>19 <b>2018. So George worked at TDC Specialty, which</b></p> <p>20 <b>is one of our insurance companies that we do</b></p> <p>21 <b>business with, a lot of business with.</b></p> <p>22 <b>And they had planned this event down</b></p> <p>23 <b>at Lake Martin at Willow Point, and they came up</b></p>
<p style="text-align: right;">Page 178</p> <p>1 well.</p> <p>2 Q. (BY MS. GILL:) Did you know why Ms.</p> <p>3 Hendrix was on FMLA leave?</p> <p>4 <b>A. Not specifically. I remember that I</b></p> <p>5 <b>was in New York with my family, and I remember</b></p> <p>6 <b>this call vividly. I called Kat about something</b></p> <p>7 <b>work related, and she was -- we chatted for a</b></p> <p>8 <b>brief moment, and then she started crying, and I</b></p> <p>9 <b>asked her what was wrong, and she said that, I</b></p> <p>10 <b>don't know if you know this, but I have had</b></p> <p>11 <b>mental health problems in the past or have dealt</b></p> <p>12 <b>with mental health issues in the past, and I have</b></p> <p>13 <b>had a breakdown, and my doctor has recommended</b></p> <p>14 <b>that I take leave.</b></p> <p>15 <b>And my wife and kids were sitting</b></p> <p>16 <b>there next to me in LaGuardia Airport, and I</b></p> <p>17 <b>said, Kat, this place is secondary and do what</b></p> <p>18 <b>you need to do to take care of yourself.</b></p> <p>19 Q. Did she say what caused her</p> <p>20 breakdown?</p> <p>21 <b>A. And we will support you. She did</b></p> <p>22 <b>not. We did not get into any of the specifics or</b></p> <p>23 <b>details that I recall at that time.</b></p>	<p style="text-align: right;">Page 180</p> <p>1 <b>with the invitation list, and they sent this</b></p> <p>2 <b>e-mail out to, you know, the first group of</b></p> <p>3 <b>people or the people that they had that they</b></p> <p>4 <b>wanted to invite to this event.</b></p> <p>5 <b>Not a decision made by us. It was a</b></p> <p>6 <b>client of -- an insurance company that we do</b></p> <p>7 <b>business with sent this out.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. And a lot of these people in this</b></p> <p>10 <b>e-mail are not even in the Birmingham office.</b></p> <p>11 <b>There's California office, there's Colorado</b></p> <p>12 <b>office, there's the Nashville office, the New</b></p> <p>13 <b>York office.</b></p> <p>14 <b>And then I sent Rusty an e-mail that</b></p> <p>15 <b>same day forty minutes later saying, Need to be</b></p> <p>16 <b>sure Kathryn and Lauren are invited to this.</b></p> <p>17 Q. Okay.</p> <p>18 <b>A. Because I felt like they needed to be</b></p> <p>19 <b>there as well, even though Lauren was not on my</b></p> <p>20 <b>team.</b></p> <p>21 Q. That's what I was going to ask you.</p> <p>22 Was Lauren on your team?</p> <p>23 <b>A. No, she was not.</b></p>

<p style="text-align: right;">Page 181</p> <p>1 Q. Was Lauren a broker of any type?</p> <p>2 <b>A. She was an inside broker.</b></p> <p>3 Q. Lauren was an inside broker?</p> <p>4 <b>A. Uh-huh (positive response).</b></p> <p>5 Q. Okay. And Willow Point, is that a</p> <p>6 golf course?</p> <p>7 <b>A. It is.</b></p> <p>8 Q. Did everybody play golf?</p> <p>9 <b>A. I think the people that wanted to or</b></p> <p>10 <b>do play golf did.</b></p> <p>11 Q. Do you know whether Ms. Hendrix was</p> <p>12 given the opportunity to play golf?</p> <p>13 <b>A. I do not recall. I don't know.</b></p> <p>14 Q. Do you recall whether she was</p> <p>15 assigned to be on a pontoon boat instead of play</p> <p>16 golf?</p> <p>17 <b>A. I don't know. I didn't plan the</b></p> <p>18 <b>event.</b></p> <p>19 Q. Did Lauren become a broker after Kat</p> <p>20 left?</p> <p>21 <b>A. I don't know the answer to that. I</b></p> <p>22 <b>don't remember. She wasn't on my team, so I</b></p> <p>23 <b>don't know the dates.</b></p>	<p style="text-align: right;">Page 183</p> <p>1 Q. Okay. It looks like it's from Rusty</p> <p>2 Hughes?</p> <p>3 <b>A. Yeah.</b></p> <p>4 Q. And it's copying George Bennett. Do</p> <p>5 you see that?</p> <p>6 <b>A. I do.</b></p> <p>7 Q. And so Rusty Hughes is typing out the</p> <p>8 agenda?</p> <p>9 <b>A. No. The way that I recall this is</b></p> <p>10 <b>George sent the agenda to Rusty, and Rusty copied</b></p> <p>11 <b>it and sent it to us. Rusty wouldn't have had</b></p> <p>12 <b>any involvement in setting the agenda here. It</b></p> <p>13 <b>was a TDC event.</b></p> <p>14 Q. At the -- do you know if Rusty had</p> <p>15 any input on CRC assignments?</p> <p>16 <b>A. No.</b></p> <p>17 Q. On Page 718?</p> <p>18 <b>A. 718?</b></p> <p>19 Q. At the bottom, 718.</p> <p>20 <b>A. No, he would not have.</b></p> <p>21 MS. GILL: I think we are done.</p> <p>22 THE WITNESS: Perfect.</p> <p>23 MS. GILL: I do have a housekeeping</p>
<p style="text-align: right;">Page 182</p> <p>1 Q. Is it possible that Lauren was not a</p> <p>2 broker at the time of the golf incident?</p> <p>3 <b>A. I don't know.</b></p> <p>4 Q. You said that you did not make the</p> <p>5 assignments for the golf trip. Who did?</p> <p>6 <b>A. George Bennett or someone within TDC,</b></p> <p>7 <b>which is not a CRC company.</b></p> <p>8 Q. Let me show you what I'm marking as</p> <p>9 Plaintiff's <b>Exhibit 16.</b></p> <p>10 (Whereupon, Plaintiff's Exhibit No.</p> <p>11 16 was marked for identification and a copy of</p> <p>12 same is attached hereto.)</p> <p>13 <b>A. 16, yep.</b></p> <p>14 Q. Did George ever work at CRC?</p> <p>15 <b>A. Yeah, he did.</b></p> <p>16 Q. And at some point he moved to TDC?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. I'm sorry. I need to give you</p> <p>19 the exhibit.</p> <p>20 <b>A. Thank you.</b></p> <p>21 Q. Have you seen that document?</p> <p>22 <b>A. I mean, I have at some point, yeah.</b></p> <p>23 <b>It was sent to me.</b></p>	<p style="text-align: right;">Page 184</p> <p>1 measure to discuss.</p> <p>2 MS. BARLOTTA: On the record or off</p> <p>3 the record?</p> <p>4 MS. GILL: We can do it on the</p> <p>5 record. There's been a few documents -- oh, do</p> <p>6 you have any questions for him? I'm sorry. I</p> <p>7 forgot.</p> <p>8 MS. BARLOTTA: No, I do not.</p> <p>9 MS. GILL: I'm sorry. There's been</p> <p>10 some documents that have been identified that we</p> <p>11 believe are responsive to our requests for</p> <p>12 production. One was Ms. Hendrix's Workday file,</p> <p>13 her full file on Workday, her dashboard in the</p> <p>14 intranet, documents related to -- on the intranet</p> <p>15 and on LinkedIn for vacancies, the Excel</p> <p>16 spreadsheet for new team members that goes to</p> <p>17 leadership.</p> <p>18 MS. BARLOTTA: Can you tell me what</p> <p>19 requests these are responsive to?</p> <p>20 MS. GILL: Do you have our requests</p> <p>21 for production?</p> <p>22 MS. PALMER: I mean, not right off.</p> <p>23 MS. GILL: The Workday file and the</p>

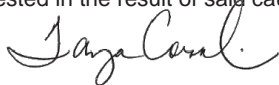
<p style="text-align: right;">Page 185</p> <p>1 dashboard all are responsive to the request for</p> <p>2 Kathryn Hendrix's personnel file and for her</p> <p>3 bonus calculations.</p> <p>4 MS. BARLOTTA: I don't know about</p> <p>5 that, but I don't have -- necessarily have a</p> <p>6 problem producing it if we can get our hands on</p> <p>7 it. I think the full Workday file was produced,</p> <p>8 wasn't it, Kayla?</p> <p>9 MS. WUNDERLICH: I would have to</p> <p>10 double check.</p> <p>11 MS. BARLOTTA: What part of the</p> <p>12 Workday file do you think you don't have?</p> <p>13 MS. GILL: I can tell you what was</p> <p>14 produced for Clay was significantly much more</p> <p>15 than what we got for Kathryn, for Kat.</p> <p>16 The Workday file that was produced</p> <p>17 for Clay had substantially more information than</p> <p>18 the Workday file for Ms. Hendrix.</p> <p>19 MS. BARLOTTA: Such as?</p> <p>20 MS. GILL: Clay's file is CRC-Hendrix</p> <p>21 4679 through 4731.</p> <p>22 MS. BARLOTTA: He was there longer,</p> <p>23 so, I mean, he might have more -- I mean, a</p>	<p style="text-align: right;">Page 187</p> <p>1 it was maintained by the company.</p> <p>2 MS. BARLOTTA: Maybe yes, maybe no.</p> <p>3 MS. PALMER: There's -- this file</p> <p>4 here is completely different.</p> <p>5 MS. BARLOTTA: Then that would be</p> <p>6 duplicative is my response.</p> <p>7 MS. PALMER: I would argue that there</p> <p>8 is additional information included in the audit</p> <p>9 trail that's relevant to the nature of the</p> <p>10 lawsuit.</p> <p>11 MS. BARLOTTA: Such as?</p> <p>12 MS. PALMER: Such as dates that</p> <p>13 changes were made.</p> <p>14 MS. BARLOTTA: And that's relevant to</p> <p>15 what?</p> <p>16 MS. PALMER: Whether she was or</p> <p>17 wasn't actually promoted.</p> <p>18 MS. BARLOTTA: Oh, you're saying</p> <p>19 she -- it is your contention in this case that</p> <p>20 she wasn't promoted to inside broker?</p> <p>21 MS. PALMER: Our contention is that</p> <p>22 the terms and conditions that she was subjected</p> <p>23 to were not equal to males and that part of that</p>
<p style="text-align: right;">Page 186</p> <p>1 bigger file.</p> <p>2 MS. GILL: It's 2017 forward.</p> <p>3 MS. BARLOTTA: Right, but he started</p> <p>4 working for CRC in 2009, so you understand he's</p> <p>5 been there a lot longer.</p> <p>6 MS. PALMER: She started working</p> <p>7 there in 2006, so she's been there longer.</p> <p>8 MS. BARLOTTA: But in this</p> <p>9 department, though.</p> <p>10 MS. PALMER: So the information</p> <p>11 specifically in the Workday file that I do not</p> <p>12 believe that we have for Kat is all of the stuff</p> <p>13 on the first few pages that shows a reporting</p> <p>14 structure. It shows compensation changes. It</p> <p>15 shows like an audit trail of any change made to</p> <p>16 the file, and unless I'm just completely missing</p> <p>17 it, we don't have that for her.</p> <p>18 MS. BARLOTTA: Okay. I'll see, but</p> <p>19 you have her compensation structure and the dates</p> <p>20 of all of her pay changes. We have produced</p> <p>21 that.</p> <p>22 MS. PALMER: Yes, you have produced</p> <p>23 the information, but not in the same format that</p>	<p style="text-align: right;">Page 188</p> <p>1 includes the duties and job responsibilities that</p> <p>2 she was assigned to do regardless of title.</p> <p>3 MS. BARLOTTA: Specifically as to the</p> <p>4 dates, you're saying that you think that there's</p> <p>5 a document out there that's going to show that</p> <p>6 she wasn't actually promoted to inside broker?</p> <p>7 You're contending she wasn't promoted to inside</p> <p>8 broker?</p> <p>9 MS. PALMER: Yeah, I mean, I'm not</p> <p>10 going to tell you like our position on the case</p> <p>11 at this point. I can tell you that based on what</p> <p>12 I've seen, what we have for her does not match</p> <p>13 what we have for other people. And if it's a</p> <p>14 uniform system, the information should be there,</p> <p>15 and we're entitled to look at it.</p> <p>16 MS. BARLOTTA: We will see if the</p> <p>17 information is there. I don't think that you're</p> <p>18 entitled to look at it. I think we have produced</p> <p>19 what is -- we're supposed to have produced in</p> <p>20 this case. You've got her compensation</p> <p>21 structure. You've got all the dates that those</p> <p>22 changes were made.</p> <p>23 MS. PALMER: Okay.</p>

<p>Page 189</p> <p>1 MS. BARLOTTA: I mean, we produced 2 her personnel file, so that's what we produced, 3 number one. What you're asking for is additional 4 information. 5 MS. PALMER: So I think that's part 6 of the hang-up is you're saying you produced her 7 personnel file, but then you guys produced this 8 Workday file for Segrest, which is part of a 9 personnel file. 10 MS. BARLOTTA: It's not part of a -- 11 okay, that's fine. It's different. 12 MS. PALMER: It contains personnel 13 information. It's an HRIS system. Our request 14 specifies a HRIS -- 15 MS. BARLOTTA: You are making a new 16 request. We'll see if we can accommodate it. It 17 is a new request, and we did respond to the 18 request. 19 MS. PALMER: The request for the 20 personnel file included an in-depth definition 21 that included all information, no matter how 22 maintained, in the HRIS system. 23 MS. BARLOTTA: I see personnel file</p>	<p>Page 191</p> <p>1 dashboards, or reports evidencing revenues per 2 marketing representative on the accounts in the 3 AIM system from January 2018 to November 2019. 4 It's Request Number 4. 5 MS. BARLOTTA: That's different than 6 the dashboard. 7 MS. PALMER: It says dashboard. 8 MS. BARLOTTA: Yeah, but the 9 dashboard is a different -- you said for that 10 dashboard for the AIM system. This is not the 11 AIM -- 12 MS. PALMER: Or reports. 13 MS. BARLOTTA: This is not the AIM 14 system. That's what he testified to. 15 MS. PALMER: Comma, or reports 16 evidencing revenues per market representative on 17 accounts in the AIM system. The market 18 representatives are maintained in the AIM system. 19 The request was for the charts, dashboards, and 20 reports. 21 MS. BARLOTTA: Okay. I guess I'm 22 confused by the request, because this request 23 says produce all charts, dashboards, and reports</p>
<p>Page 190</p> <p>1 maintained by BB&amp;T and Truist for plaintiff. 2 MS. PALMER: There's a definition 3 somewhere. 4 MS. BARLOTTA: All right. So you're 5 making a request for the Workday file, and -- to 6 the extent that it hasn't already been produced. 7 And you are making a request, a new request for 8 the dashboard, and that -- what you all produced 9 was a -- what I guess Ms. Hendrix did was like 10 took a screenshot of some sort of a computer 11 screen? 12 MS. PALMER: Of the dashboard, and we 13 specifically -- 14 MS. BARLOTTA: So we're not going to 15 have like a screenshot of a dashboard, right, at 16 this point in time, I wouldn't think. 17 MS. PALMER: He testified that he 18 could run a report based on date, and we 19 requested the dashboard specifically. I think we 20 requested the AIM information as well and was 21 told that that didn't exist. 22 MS. BARLOTTA: Where is that request? 23 MS. PALMER: Produce all charts,</p>	<p>Page 192</p> <p>1 evidencing the revenues per marketing 2 representative. So are you saying that -- 3 because -- are you saying she's a marketing 4 representative? I mean, it doesn't say to 5 produce anything for her. So I don't know what 6 this is asking. 7 MS. PALMER: Well, no, because we're 8 -- if her bonuses and department bonuses and team 9 bonuses are all based on all these revenues, 10 that's what we were digging into there was we 11 needed the dashboards to show that information so 12 that we can point to a comparable team to figure 13 out how their bonuses are done. 14 MS. BARLOTTA: Okay. But, again, 15 this is requesting for marketing representatives 16 on accounts. So I don't know who -- we don't 17 have that. We don't have that job title. 18 MS. PALMER: Well, no, he testified 19 that there is something in the -- I think it was 20 in AIM listed as marketing representative and 21 that it would depend on who put that information 22 there, because that's why Yvette Talsma, who is 23 not an associate broker or inside broker, was</p>

<p style="text-align: right;">Page 193</p> <p>1 listed on that dashboard.</p> <p>2 MS. BARLOTTA: What might make sense</p> <p>3 then is for you all to rephrase this request,</p> <p>4 because the way it's written now is any and all</p> <p>5 per marketing representative for over a year</p> <p>6 worth of data. It's not limited in any sort of</p> <p>7 scope.</p> <p>8 So if you just want that for</p> <p>9 plaintiff, I mean, can we --</p> <p>10 MS. PALMER: No, we don't want it</p> <p>11 just for her. We want it for the Birmingham</p> <p>12 Professional Liability.</p> <p>13 MS. BARLOTTA: No, that's not going</p> <p>14 to happen.</p> <p>15 MS. GILL: We have more.</p> <p>16 MS. BARLOTTA: I mean, you want -- I</p> <p>17 mean, think about what this is asking, all</p> <p>18 reports in the AIM system. He just told you that</p> <p>19 was all of their client data. You want every</p> <p>20 single report on every single client in the AIM</p> <p>21 system?</p> <p>22 MS. PALMER: No, we're looking for</p> <p>23 the charts, dashboards, and reports that are like</p>	<p style="text-align: right;">Page 195</p> <p>1 that. Send me an RFP for that.</p> <p>2 MS. GILL: The Connect report or</p> <p>3 dashboard report, however you want to</p> <p>4 characterize it, for all Bham.</p> <p>5 MS. BARLOTTA: And why do you think</p> <p>6 you're entitled to everybody in the entire</p> <p>7 department?</p> <p>8 MS. GILL: Just the Birmingham</p> <p>9 Professional Liability.</p> <p>10 MS. BARLOTTA: Yeah, why do you think</p> <p>11 you're entitled to everybody in the professional</p> <p>12 liability department?</p> <p>13 MS. GILL: Because he just testified</p> <p>14 that there's a formula to determine the bonuses</p> <p>15 for each team, and we're trying to figure out</p> <p>16 whether she was treated fairly based on --</p> <p>17 MR. BARLOTTA: He said everything was</p> <p>18 done differently. Every team did their bonuses</p> <p>19 differently. What he was talking about is a</p> <p>20 formula, which we produced. You have that. The</p> <p>21 formula that he was talking about, you have that.</p> <p>22 MS. GILL: We saw that.</p> <p>23 MS. BARLOTTA: Yeah. So what he's</p>
<p style="text-align: right;">Page 194</p> <p>1 those that we showed him the information --</p> <p>2 MS. BARLOTTA: That's different.</p> <p>3 What I'm asking you then is to limit your request</p> <p>4 to that specifically, for the people that you</p> <p>5 want it for, because this is not what this</p> <p>6 request is asking.</p> <p>7 MS. PALMER: I guess we have a</p> <p>8 different understanding of how the system works,</p> <p>9 because my understanding is --</p> <p>10 MS. BARLOTTA: Well, I'm just reading</p> <p>11 it. It says, Produce all charts, dashboards, or</p> <p>12 reports evidencing the revenues per marketing</p> <p>13 representatives on accounts in the AIM system. I</p> <p>14 mean, I don't even know what that means.</p> <p>15 MS. PALMER: The accounts are listed</p> <p>16 in the AIM system. The AIM system feeds into</p> <p>17 Connect. That's where the dashboard is.</p> <p>18 MS. BARLOTTA: If you want the</p> <p>19 Connect report, what I'm saying is ask for that.</p> <p>20 MS. GILL: Okay. We would like the</p> <p>21 Connect report for all the people in the</p> <p>22 Birmingham Professional Liability department.</p> <p>23 MS. BARLOTTA: Send me a request for</p>	<p style="text-align: right;">Page 196</p> <p>1 talking about after that, he said -- he testified</p> <p>2 very clearly --</p> <p>3 MS. GILL: She's asking me why do we</p> <p>4 want the whole --</p> <p>5 MS. BARLOTTA: -- clearly multiple</p> <p>6 times that it was completely discretionary up to</p> <p>7 the individual team.</p> <p>8 MS. PALMER: It was completely</p> <p>9 discretionary of the individual team that went up</p> <p>10 to Rusty Hughes and John Cadden for at least some</p> <p>11 level of review. And it's been our position from</p> <p>12 the beginning of this lawsuit that we are not</p> <p>13 limited to a single team, because it is not</p> <p>14 uncommon in discrimination cases to have to go</p> <p>15 outside of your team or outside of your</p> <p>16 department even to point to the differential</p> <p>17 treatment.</p> <p>18 MS. BARLOTTA: His testimony was</p> <p>19 clear that there was no input, that it went up to</p> <p>20 them to see, but they did not have input into it,</p> <p>21 and no one has ever vetoed it or changed it.</p> <p>22 MS. PALMER: He said no one had ever</p> <p>23 vetoed him.</p>

<p>Page 197</p> <p>1 MS. BARLOTTA: Well, then you can 2 make that argument to the judge. 3 MS. GILL: Some of the documents that 4 you have produced show that they did review it, 5 so -- 6 MS. BARLOTTA: No. 7 MS. GILL: We'll take it up with the 8 judge. 9 MS. BARLOTTA: I know the e-mail 10 you're talking about. That's not what it shows. 11 MS. GILL: The vacancies on the 12 intranet, that were posted on the intranet that 13 he said -- 14 MS. BARLOTTA: We've produced that 15 already. You have it. 16 MS. PALMER: We have a chart that 17 shows -- it's like a -- I don't know, like an 18 Excel spreadsheet or something. 19 MS. BARLOTTA: Yeah, that's the 20 record of the job posting that we have. 21 MS. PALMER: He said LinkedIn. 22 MS. BARLOTTA: Right, and it shows it 23 was posted externally. I don't have a LinkedIn.</p>	<p>Page 199</p> <p>1 MS. BARLOTTA: And what is that 2 responsive to? 3 MS. PALMER: There was a request 4 specifically about how the vacancies were -- let 5 me see if I can find it. 6 (Whereupon, a discussion off the 7 record was held.) 8 MS. GILL: Well, the next thing was 9 position requisition form that's blank. We would 10 like to see a copy of that, but if you have 11 filled out forms -- 12 MS. BARLOTTA: And that is responsive 13 to what request? 14 MS. GILL: It has to do with how 15 positions are communicated to people and how they 16 are -- 17 MS. BARLOTTA: Okay. Where? 18 MS. PALMER: I'm looking. 19 MS. GILL: She's looking for it. 20 Hang on. That's both the Excel spreadsheet and 21 the position requisition form. 22 MS. BARLOTTA: I think those are the 23 same thing.</p>
<p>Page 198</p> <p>1 I don't have a LinkedIn post going back to 2017. 2 MS. PALMER: So there's no 3 information about the job other than the title. 4 MS. BARLOTTA: It's -- all is in that 5 spreadsheet that was produced to you, when it was 6 posted, when it was closed, who applied, what 7 their qualifications were, that it was posted 8 internally, that it was posted externally. It's 9 all there. 10 MS. PALMER: For those two positions? 11 MS. BARLOTTA: Yes. 12 MS. GILL: The Excel spreadsheet for 13 new team members, that goes to leadership? 14 MS. PALMER: No, that was something 15 he testified about the red light, green light, 16 like number formulas. 17 MS. GILL: Right. 18 MS. PALMER: We haven't seen anything 19 like that. 20 MS. BARLOTTA: Anything else? 21 MS. GILL: I was just telling you 22 that's something that he testified about that we 23 are requesting.</p>	<p>Page 200</p> <p>1 MS. GILL: The spreadsheet -- 2 MS. PALMER: Produce all postings and 3 job search information, including applications is 4 Number 14. Sorry. Including applications, 5 resumes, position inquiries, including internal 6 and external applicants for all positions within 7 the -- and I said EPL, because it is professional 8 liability. 9 MS. BARLOTTA: That's not what he 10 said, and that's not responsive to -- whatever he 11 testified to doesn't meet the criteria for any of 12 that. Again, we've produced the postings and job 13 search information, which also shows the 14 applicants as well. 15 MS. PALMER: I mean, a position 16 requisition form is directly responsive to job 17 postings and job search information. 18 MS. BARLOTTA: Job requisition is 19 very different from a job posting. You know 20 that. 21 MS. PALMER: Yes, but it's not very 22 different than a job search information. 23 MS. BARLOTTA: Job search -- okay.</p>



<p style="text-align: right;">Page 201</p> <p>1 You can argue that to the Court. Job search 2 information is different from a requisition of I 3 need a job. That's what he testified to, that 4 there's a form that says, I want to hire 5 somebody, this is what I want to pay them. 6 Postings and job search information 7 is like, hey -- especially how this is phrased in 8 here, including applications, resumes of people 9 who applied for the jobs. 10 I mean, if y'all want it, just send 11 me a request for it, but we're not going to sit 12 here and tell me that we haven't produced this 13 information that's already responsive to these 14 requests. These are new requests that you're 15 making. 16 MS. GILL: The next thing on the list 17 is e-mails from Kathryn Hendrix and e-mail 18 promoting Kathryn Hendrix. He testified he sent 19 out an e-mail. 20 MS. BARLOTTA: Okay. I think he 21 testified that he told her. 22 MS. GILL: I think we asked how he 23 communicated it to his team. He said he sent out</p>	<p style="text-align: right;">Page 203</p> <p>1 MS. GILL: We're done. 2 MS. BARLOTTA: Okay. We need to talk 3 about deposition dates. 4 VIDEOGRAPHER: We're going off the 5 record at 3:33 p.m. 6 7 8 9 FURTHER DEPONENT SAITH NOT 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 202</p> <p>1 an e-mail. 2 MS. BARLOTTA: I'll have to see the 3 transcript. I don't think that that -- 4 MS. GILL: That's it. 5 MS. PALMER: There were a couple of 6 times, Rachel, that he said that would be for IT. 7 Are you putting up an IT person or can we expect 8 Stefani Petty for that? 9 MS. BARLOTTA: I think Stefani Petty 10 is going to be able to answer these to the extent 11 that we've agreed that they're going to be 12 testified to. As you know, we have a remaining 13 disagreement of the 30(b)(6). 14 MS. PALMER: Do you stand by our 15 position that it's y'all's burden to file a 16 protective order? 17 MS. BARLOTTA: And we will do that, 18 and I'm happy to do that. As I said, we agreed 19 that we would go forward with the deposition, and 20 anything that was not -- there was still a 21 dispute over or that was not adequately 22 addressed, that we could take that up with the 23 Court at that time.</p>	<p style="text-align: right;">Page 204</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA ) 4 JEFFERSON COUNTY ) 5 6 I HEREBY CERTIFY that the above 7 and foregoing transcript was taken down by me in 8 stenotype, and the questions and answers thereto 9 were transcribed by means of computer-aided 10 transcription, and that the foregoing represents 11 a true and correct transcript of the testimony 12 given by said witness. 13 I FURTHER CERTIFY that I am 14 neither of counsel, nor of any relation to the 15 parties to the action, nor am I anyway 16 interested in the result of said cause. 17  18 19 /s/Tanya D. Cornelius 20 TANYA D. CORNELIUS, RPR 21 ACCR #378 Expires 10/1/2023 22 Notary Expires 9/13/26 23</p>

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